

ADDITIONS to the First Edition
OF THE
Rights, Powers, and Privileges
OF AN
English Convocation,
STATED and VINDICATED.
IN
A N S W E R

TO A
Late Book of Dr. Wake's, Entituled,
*The Authority of Christian Princes
over their Ecclesiastical Synods as-
serted, &c.* and to several other Pieces.

By FRANCIS ATTERBURY,
Preacher at the Rolls, and Chaplain in
Ordinary to his Majesty.

*And one shall say unto him, What are these wounds in thy hands?
Then he shall answer, Those with which I was wounded in the
House of my Friends. Zech. XIII. 6.*

Eâ Tempestatate facies Ecclesiæ foeda & admodum turpis erat:
non enim, sicut prius, ab Externis, sed à Propriis vastaba-
tur. Ruffin. Eccles. Hist. L. c. 21.

LONDON: Printed for Tho. Bennet at the Half-
Moon in St. Paul's Church-Yard, 1701.

An Error of the Press in the *Additions*.

PAge 4. l. 2. for *this Note*, read *what follows (to the End of p. 52.) which may supply the room of the Explication given of the A&A, in the first Edition, from p. 82. to p. 99.*

TO THE
Most Reverend Fathers in God,
MY LORDS,
The Archbishops of the Provinces,
AND
Presidents of the Convocations,
of *Canterbury and York.*

May it please your Graces

TO permit the Author of these
Papers to lay them before
You, with that Humility
which becomes his Great Distance
from Your Graces High Station and

Character, and that Modest Freedom which he is encourag'd to use, by the Goodness of his Cause, and the Consciousness he has of his own Integrity in maintaining it.

When I first sent these Papers abroad, I judg'd, that Doctrines of so great Weight and Importance, as those which are contain'd in them, might suffer by the Meanness of my Name ; and therefore I conceal'd it. But since it has pleas'd the Divine Goodness to bless these Labours of mine with a very Favourable Reception, not only among the Reverend my Brethren of the Clergy, and Several of the Right Reverend Fathers of the Church, Your Graces Suffragans ; but among many other Good and Wise Men also, who are not of the Function : And since, upon a careful Review of what I have written, no shadow of doubt remains with me, but that it is Truth, and will stand : I have thought my self at liberty

berly to act with less Reserve ; and to hearken to the Admonition, which my Lord of *Sarum* has publickly given me, in that behalf.

And when once I had determin'd to own my self the Author of this Work, it was natural for me to think of addressing it to Your *Graces*, who are, under His Majesty, (Long may you continue so!) the Great Patrons and Guardians of the Rights of the Clergy of either Province ; and who have particularly enabled me to perfect this Review, by the free Recourse You have been pleas'd to allow me to the Registries of Your Sees. So that this is an Application, to which Gratitude, as well as Duty, binds me ; Two powerful Principles of Action, for the want of either of which Your *Graces* shall never have Occasion to blame me !

I have ventur'd upon this Address
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the more freely, because Dr. *Wake*, I find, has presum'd to take the same Liberty, with leſs Reason; and prefix'd One of Your Venerable Names to a Book, that, as I verily apprehend, ſubverts the Fundamental Rights and Liberties of the Church, and Clergy of *England*. After which, had I, in this Reply, made my Application any where, but to Your *Graces*, I might juſtly have been thought to decline Your *Graces* Arbitration; which, in a Defence of Church-Rights, drawn up by One in Holy Orders, had been highly Indecent, and Unpardonable.

I do heartily therefore join with Dr. *Wake*, in appealing to Your *Graces* Judgment, in the Diſpute that is now between us. If in my Management of it, there be any thing Particular and Personal which ſhall offend Your *Graces*, I beſeech Your *Graces*, with a Paternal Goodneſs, to overlook it: But where-ever the Argument, and Me-
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rits of the Cause are concern'd, I implore Your *Graces* strictest Observation.

Should it, upon ballancing the Evidence produc'd on both sides, seem to Your *Graces*, that I have misrepresented the Ecclesiastical Constitution, and advanc'd a false and illegal Plea, I refuse not to submit to (what I should think my Great Misfortune) Your *Graces* Displeasure. But if, on the contrary, Your *Graces* shall find (as I doubt not but You will) that I have asserted the *Rights* of the *Clergy*, within that Circle only which the *Law* has mark'd out to them ; and that I have done this, upon *Principles*, which every Good *Englishman* must approve ; and with such a *Moderation*, and Deference to the Civil Power, as can disgust None of the *Temporality*, but the Profess'd Enemies of Religion and the Order : If This, upon Enquiry, shall appear to be the Case, I will then humbly
hope

hope for Your *Graces* Protection, and
 Countenance, in so Honourable, and
 Just a Cause; at least, that, for the
 sake of It, You will be pleas'd to par-
 don the Presumption of this Address,
 from

Your *Graces*

Most Obedient,

Most Dutiful,

and most Humble Servant,

Francis Atterbury.

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ADDITIONS
TO THE
PREFACE
OF THE
First Edition.

AS to this Second Edition, I have enlarg'd it in several Respects, and in some that are very Material. The Sense of the Submission-Act, being a Point of Tender Concern to the Clergy, I have once again consider'd it with all the Application and Exactness of which I am capable. I have found, in the Course of my Enquiries, a great deal of New Evidence, to support my Former Exposition, but not a Syllable that could give me the least Reason, or Room to suspect it. All therefore I have now done in Relation to it, is, to set the Explication given in a better Light, and to add more, and yet fuller, and clearer Proofs of it; and to prevent by that means, if I can, all the little Exceptions and Cavils which are possible to be started. The Chief of these arose from the

a Confus'd

PREFACE.

* See 1 Edit.
p. 88. and
p. [127.]
of this Se-
cond.

Confus'd Recital of the Clergy's Submission in the Preamble of the Statute. This was only matter of Conjecture to me, when I wrote first*; but has since appear'd to be an Evident and Unquestionable Truth: and is such a Truth, as utterly destroys that only Doubt, by which the Sense of the Act contended for can any ways be perplex'd. The Light I gain'd in this Case is owing partly to some New Extracts from the Registers of Convocation, which, since the first of these Editions was finish'd, came into my Hands; and partly, to an Authentick Copy of the Clergy's Submission, still preserv'd among my Lord Longueville's Manuscripts, to which, by the Favour of the Noble Owner (the true Inheritor of his Learned Ancestors Vertues) I had an easy Access; and have from thence drawn such Materials as have been of good Use to me, not in This only, but in Other parts of my Design: and I do here publicly return his Lordship my Humble and Hearty Acknowledgments for it.

Next to the Genuine Meaning of the Terms in the Statute, the Practice of Succeeding Convocations is considerable, as being the best and surest Comment upon it: And into That therefore I have enquir'd anew, and have endeavour'd, in every respect, fully to inform my self of it. I think I have done so, and can now, upon very good Grounds, assure the Reader of the Undoubted Truth, of what I before judg'd in the highest Degree Probable, that no Commission to Treat ever issu'd under the Broad Seal to the Clergy in Convocation, till the first Year of King James; and that for so long therefore (that is, for Threescore and ten Years) after the Act was fram'd, such a Sense of it, as debarr'd
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the Clergy from Debating of Canons without a License, was certainly never dreamt of. And even after this, upon a strict Enquiry, I do not find, that above Five Synods did ever accept such Commissions; because no more than these ever propos'd to do that Work, for which alone such Licenses were esteem'd requisite to qualify them, the Making of General Rules, or Canons: though all along the Convocation sat, and, in some Degree or other, Acted also concurrently with every New Session of Parliament. From whence it manifestly follows, that the Synods of this Last Century, which, by taking out such Licenses, seem'd to think themselves restrain'd in some Respects, yet knew themselves to be at Liberty in several Others: and that, till of late Days, therefore, the Doctrine of the Clergy's Inability to enter on any Synodical Debates whatsoever, without a Royal Commission, was as utterly Unknown, as it is still Untrue, and Groundless.

The only Plausible Objections, that have occur'd to me in my Search, against the former part of this Scheme, are taken from a certain License granted to the Convocation of 1586. and from the Ratification of the Canons in 1597. which Instances therefore I have consider'd strictly, and (if I do not very much deceive my self) thoroughly accounted for.*

* From p. 412. to p. 419. and in the Addenda to this Edition.

In the Other Point, the Dependence of Convocations on Parliaments, the Chief Improvement I have made, is, by shewing, that the Parliament-Writ of Summons to the Bishop, with the Clause Præmunientes, has been Executed all along on the Inferior Clergy, from the Time of the Submission, till after the Restauration; and that, in Vertue

of it, the Deans, Archdeacons, Capitular, and Rural Clerks, made their Returns to Parliament, and payd their Attendance in it, by sitting in those Convocations of the Clergy, which were held always at the same Time and Place with Parliaments. I have given a List of these Forms of Execution, and Return from the Registers of some Few Churches, where they have been enter'd with any Care, and not since imbezzled: Chiefly, from the Archives of the Church of Exeter, which are better stor'd in this Kind, than Those of any Other Cathedral that I have yet enquir'd into. The Excellent Prelate that presides there, took Care they should be Open to me; and has indeed espous'd this Design all along with that Disinterested Zeal and Firmness, which his Lordship manifests on all Occasions, where the General Good of the Church and Kingdom are concern'd; and for which, All that wish well to Both, have his Lordship's Name in so just a Veneration. I thought such a List, Dry and Tedious as it might seem, deserv'd a Place in these Papers, since it sets this Point (which is a very Important one) beyond any future Dispute; that the Convocation-Clergy are call'd up thither, and sit there, as well by the Parliamentary, as Provincial Writ, and are, on that Account, a Parliamentary Body of Men, and an Essential Part of the Constitution. Not an Occasional Meeting only, for such Purposes as the King shall direct: which was the Definition, that, about Three Tears ago, was coming into Fashion; and had, by this time, perhaps, if unoppos'd, quietly obtain'd.

When I first enter'd on the Present Review, I had Intentions of clearing up this Point also in the Elder Times, and of shewing in every Reign, from
Edward

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Edward the Third, down to Henry the Eighth, how the Clergy's Obligation stood in Relation to these Parliamentary Meetings; to what Degree they have been kept up all along, and to what Uses and Purposes they have serv'd: When, and for what Reasons the Joynt Issuing of the Provincial and Parliamentary Writs came first into Disuse, what Variations happen'd, in this respect, in the Middle Times, till the Old Usage again return'd of calling the Whole Body both of the Regular and Secular Clergy together in time of Parliament; and how far the Clergy's Right of a Parliamentary Attendance was affected by such Variations. In order to satisfy these, and some other such Enquiries, I was not unfurnish'd with proper Materials and Observations: But when I began to lay them together, this Work grew so fast under my Hands, and swell'd to so Unreasonable a Proportion, that I was forc'd to desist for the present; and content my self with adding a few Supplemental Remarks, here and there, where I thought they were most Necessary, either to rectify what was Amiss, or to throw in some Light, where it was wanting, or to prevent a Cavil. And these short Additional Notes, together with the Greater and more Material Enlargements, I have caus'd to be Printed, not only in the Course of this Work, but together also in Separate Sheets; that the Reader, who has the First Edition, may have what is requisite to compleat it, without going to the Charge of a Second. He will find, I hope, in those Sheets all the Alterations, that are of Moment: None, I am sure, are designedly omitted there, except when the Change was in a few Words only; and then I did not think it worth either Mine or

the Reader's while nicely to observe it. This Collection will be of use also to satisfy the Curiosity of such Persons as have been entertain'd with the Discourse of many Retractions which would be made in this Edition of what I had advanc'd in the former: By it, they will be enabled readily to judge, how far I assert the same Doctrine Now that I did at first, and wherein I recede from it.

My Subject was Intricate of it self, and no body had gone before me in it; nor was it Easy, or Proper for me, when I enter'd on the Task, to gain Admission to some of those Repositories, from whence my Evidences were to be drawn. It is no Wonder therefore if I did not see all that was to be said on this Argument, at first; but left room for Second Thoughts, and further Enquiries. However, so much I saw, as enabled me to place this Controversy upon its proper Foot; to assert the Clergy's Rights, within their Due Bounds, and upon their True Principles; and to support my Assertion of them with such ample Proofs, as were sufficient to convince every fair unprejudic'd Reader. And the more I have enquir'd into these things since, the more satisfy'd still I am, that the Grounds, I have gone upon, are every way Firm, and not to be shaken. For though this Edition differ from the other, in many respects, yet is that Difference chiefly by way of Enlargement; the Changes (properly speaking) which I have had occasion to make in any parts of it, being but few, and those in Points of no Consequence: For I do, with all the Sincerity in the World, assure the Reader, that I have not, after my Utmost Searches, found Reason to alter my Mind, in any One Particular, upon which the Stress of the Cause can in
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the least be supposed to ly, or to retract a single Principle, that I have advanc'd on this Argument. Were I conscious of any such Defect in my Scheme, Dr. Wake should not be more forward to Object it to me, than I would be to Own it : for I will plead for No Cause, how Dear soever it may be to me, at the Expence of Truth; nor be asham'd to acknowledge a False Step, as soon as I shall appear to have made one. Could Dr. Wake be prevail'd with to Engage upon these Terms, the Dispute between Him and Me would be soon ended.

To lead the Way to him in this Case, I shall here freely own a Slip of my Pen in the Former Edition of this Work, where I suppose the Convocation-Writ to have gone out more constantly and regularly with the Parliaments of E. III. and R. II. (I say not, than it really did, but) than it can be proved to have done : for the Records, whether of Church, or State, that are now left, will not, I own, furnish out a clear Proof of its having Then had an Even and Regular Course : And it was wrong of me therefore to suppose, what I could not by Express Authoritys warrant. But after I have own'd thus much, I must withal inform the Reader, that this is a By-Point, which has no Influence on the Main Cause; since it is certain, however irregularly the Convocation-Writ might then issue, yet that the Premonish'd Clergy did, throughout these Two Reigns, attend the Parliament constantly, according to their Summons, and sate apart from the Other States, in a Concurrent Convocation, made up of the very same Members that the Parliamentary Assemblys of the Clergy now are : and if they did not act also in every Point as a Convocation, it was, because the Un-

parliamentary Regulars were absent; who were too Considerable a Part of the Order, to be left out of any such Publick Debates and Resolutions, as were to bind the Whole Body; and Who could be brought together only by the Archbishop's Mandate: Which therefore issu'd for them to assemble with the Seculars; sometimes, when the Parliament met, and sometimes when it was up; according as the Archbishop judg'd it most Expedient, or the King thought fit to command it. Tho therefore the Convocation-Writ should then have gone out never so unequally; yet are we sure, that the Parliaments of those Times, were attended always with Concurrent Convocations of the Clergy, and with such Convocations as were compos'd almost precisely of the same Number of Men as our present Convocations are: Which makes as much for the Present Clergy's Uninterrupted Right of Assembling Parliamentarily, as if the Convocation-Writ (which added a Summons only of those Regulars that are now abolish'd) had issu'd all along invariably with every New Parliament. And this is a Consideration, which I desire may be extended beyond the Times I am now speaking of, even to the Reigns of those several Princes that succeeded R. II. till the Custom of Joyning the Provincial with the Parliamentary Writ came to be fix'd, as it is at this Day. For all those Variations and Irregularitys that happen'd in this Point, during the Middle Times, make nothing against the Clergy's Right of being conven'd always with the Parliament, if the Præmunientes had all that while its regular Course, and there was a Convocation of the Clergy, at every Parliament, by the Means of it; of the very same Clergy which are now by the Convocation-Writ Summon'd: Which I affirm to have
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ever been the Case; and Challenge Dr. W. therefore to produce, since the Compleat Settlement of Parliaments, at the beginning of E. III. any Number of Instances, wherein Parliaments have been call'd, and the Present Members of the Lower-House of Convocation (Deans, Archdeacons, and the Proctors of Chapters, and Dioceses) have not attended upon it, and sat, and acted Convocationally; unless where they themselves declin'd so to do, upon some Popish Pretences, now out of Doors, and for some Peculiar Reasons of Interest, that have long since vanish'd.

But these Reflections suit not with a Preface, and do indeed belong to that Part of the Argument, which I have wav'd, on purpose that I might keep this Volume within its just Compass: and which I leave untouch'd to Dr. W. that he may try his Skill upon it, if he pleases; and have the Honour of first clearing up the Difficultys of that Dark Period. It is certain, He has Materials enough for this Purpose, which have been transmitted to him from all Quarters of the Kingdom. If his Abilitys be but equal to his Store, and his Sincerity keeps Pace with Both, we may expect very Just and Accurate Accounts of these Matters from him. In Expectation of These, I have laid aside my Pen for the present, and shall be very glad to be prevented by him.

One thing only I have to request of him, in the Future Management of this Argument, that he would forbear to wander out into Foreign Matter (as his way has hitherto been) with a Design of carrying the Reader's Eye off from those Articles where the Knot of the Dispute lies. Not that I would have him spare his Learned Collections, or hide any part of that precious Treasure, which
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his Friends have dug out of the Mines of Church-Registers for him. No, if he has any New Lights and Improvements to offer from thence, in any Part of our Church-Antiquitys, whether to the Purpose, or not to the Purpose, in God's Name let him produce them, and they shall be welcome. But withal, let him fairly inform his Readers, that, whether these Things be true, or false, the Controversy stands where it did: for if He does not say this, he may assure himself, somebody else will. The Points upon which the whole Dispute between Him and Me turns, are summ'd up all in the Last Leaf of this Book. If he can weaken any One of the Assertions there lay'd down, he will do something: If he cannot, whatever Else he shall do, will be of little other Present Use but to shew, how Liberal his Friends have been in supplying him with Immaterial Collections.

I do therefore here beforehand warn the Reader, not to be dazled with any Future Performance of this kind (whether from His or any Other Hand), that shall endeavour to recommend it self by a Seeming Shew of Great Reading, and of a Deep Insight into Records and Registers. For where there are so many Hands at Command, this Knowledge is easy to be come at. And it is not difficult, out of such Prepar'd Materials, to raise a Work that shall, at first sight, promise Great Things, and look very formidably. But nothing of this kind will, at the bottom, bear Examination. And if he will therefore but suspend his Opinion of such a Piece, till he hears what I have to say to it, I will endeavour not to let him continue long under his Suspence: for I think, I know what Colours can well be put on the wrong Side of the Question; and am prepar'd to take them off again, as soon as they are layd on.

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The Enquirys that have been made every where on this Subject, and the Multitude of Hands that has been employ'd in them are so far from giving me any Discouraging Thoughts, that I think it the greatest piece of Happiness which could have befallen, either my self, or the Cause: since I foresee, that this Search must end in the Conviction of the Enquirers; and that They, who have hitherto made a shift not to yield to my Arguments, will certainly yield to the Discoverys they themselves make, while they are endeavouring to confute them. Had this Book pass'd Implicitly, there had been some Jealousy still left in the Minds of Men, concerning the Truth of Doctrines, which had been represented on One Side only, and had never undergone a Scrutiny. It would have been suspected, that their Reception was owing in great measure to the Abstruseness of the Subject, and to the Unwillingness of those, who were in different Opinions, to take so much Pains as was requisite to clear it. But this Pretence those Gentlemen, who have Wrought so heartily under Dr. Wake, have (I thank'em) effectually remov'd; and have establish'd the Point better by their Opposition, than I could have done by my Defence of it. For if nothing Material be hereafter objected against what I have written, Men will certainly conclude, that there was nothing Material to object; for else it could not have escap'd the Eye of such Diligent Enquirers: and that the Cause therefore must needs be every way Pure and Blameless, which could pass such an Ordeal, Unhurt.

But tho' this, I doubt not, will be the Event of such Searches, yet we are not much Oblig'd to Them for it, who never intended it. Indeed it is wonderful, to see Men so busily employ'd in furnishing
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Materials to prove, that the Church, whose Sons they are, has no Set Times of Meeting, and Exerting its Synodical Authority; has no Legal Rights, or Priviledges, to claim, in this respect: but is absolutely at Mercy, and Precarious. Could such a fine Point be made out, yet surely it does not become Clergymen to help it forward. Let us leave that Dirty Work to be done by the Professed Enemys of Religion, and the Order; but let not the Hands of Levi be employ'd in it. We shall have enough to do, were we as Unanimous as we ought to be, to ward off the Blows that are aim'd at us from That Quarter; we need not any of us fight on their Side, and do their Business for them. Do not They, who act at this Odd Rate, see whose Engines they are, and what Sort of Men stand behind the Curtain, and play them? Men, who speak them fair to their Faces, and applaud their Great Temper, Moderation, and Prudence; but can hardly keep their own Countenances, while they are doing it? For, where they are in Confidence, their Language presently varies; and they heartily despise Men, that are weak enough, to be brought into a Plot against themselves. These are no Vain Dreams of mine, nor have they come to me through the Ivory Gate; but have Real and Sad Truths at the Bottom of them: the Effects of which I pray God we do not feel, before we can be perswaded to see them.

Let us not flatter our selves with the Thoughts of retrieving a Lost Game, whenever we please; and of reviving Disus'd Practices, as soon as we find, or think, that we have need of them. We can never reasonably assure our selves of that: The Disuse of a Legal Right, begun for one Reason, may be continu'd for another, which they, who began

gan it, never dreamt of: And should We be in the mind to Ask at any time, yet, when once it is thought Matter of pure Grace and Favour, Others, whose Consent is to be had, may not be in the Mind to Grant: And the same sort of Argument which we employ'd to justify the Disuse for the first Ten Years, may be turn'd against us, to justify it for Ten Years longer: for still it may be as Convenient as ever, to keep Things Quiet. We shall repent then of our having brought on a Custom, which we find our selves not Able, even when we are Willing, to break through; and shall see the Error of a False Step too late, when it is not in our Power to Amend it.

I know the Pretences for such a Conduct are Various; Love of Truth, Zeal for the Prerogative, and the Unseasonableness of claiming, or exerting such Priviledges at the Present Juncture. With these Three Excuses, the Oppugners of the Doctrine of this Book chiefly cover themselves; but God knows they are Thin Ones.

The Love of Truth is indeed a very Desirable Quality: but 'tis vehemently to be suspected, that That alone would not inspire Men with Earnest Desires of making out such Truths, as are Destructive of the Great Interests of their Order. Good Men do not love Mischievous Truths, when Started; much less, love to Start them. All that can be expected from Sincere Lovers of Truth, in such Cases, is, to surrender to it, whenever it appears, though it be never so Disadvantageous to them: but it is not Requisite, or Usual for them, to be over Eager and Industrious to find it. Some Other Motive must probably come in, to raise their Activity to such a Pitch, on so improper an Occasion; a Love of Something Else, beside Truth—
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which I do not care to name—but which, in this Corrupt State of things, is every whit as Cogent and Operative a Principle as the Other.

As to the Prerogative, God forbid that any Word should drop from My Pen to the Disadvantage of it! which I am, by more than One Ty, bound to revere, and support: both as it is the Prerogative of the English Crown, and as that Crown is on the Head of One, who knows no other End or Use of Power, but to do Good with it. Nevertheless, I may be allow'd, I hope, with all Humility to say, that his Majesty's Prerogative, and the Rights of his Subjects are perfectly consistent; nay, that the Greatest and most Glorious Part of his Prerogative, is, to maintain Them: So that a Plea for the One of these, if just, and well founded, can never be pretended to clash with the Other. If these Gentlemen's Zeal were spent in keeping up the Known Power of the Crown, in That I should gladly joyn with them: but when it is aim'd only at extending such a Power beyond it's Due Bounds, and is manifestly a Zeal, not to assert an Old Prerogative, but to make a New One; there, I shall not only Leave, but Oppose them. That this was Dr. Wake's Design, in what he wrote, I have prov'd pretty plainly: And what Other Design then can They be supposed to have, who, after such a Proof, assist and abett him?

The Unseasonableness of those Principles I espouse, is yet a stranger Pretence than any of the Former. For can it be thought Unseasonable to defend a Right, that has been openly attack'd, and deny'd, in a Book, solemnly written for that Purpose, by a Man, whose Business it was to have stood up for that Right, if it were one; and whose Opposition to it therefore would have been taken

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as a good Proof against it, had not his Doctrine been renounc'd, as soon as it was publish'd? Was it Unseasonable to assert the Legality of a Practice, the Disuse of which had now obtain'd for some Years, and would in a few more have barr'd the Clergy from claiming it, and amounted to a Prescription against it? The Unseasonableness was rather in Dr. Wake's ill-tim'd and ill-manag'd Attempt, to subvert the Libertys of his Body. But when once he had appear'd in such a Cause, it was very Seasonable to withstand him in it: and the sooner this was done, the more Seasonable!

Yes, but the Tempers of Men do not seem to be rightly tun'd and dispos'd for such Meetings, as, upon the Allowance of this Right, would take place; nor their Passions to be yet sufficiently allay'd. Let it be so—Yet, if Mens want of Temper do in any Measure proceed from their Want of such Meetings, the longer they want them, the less Temper they will have. And thus, if the Assertion of their Right be Unseasonable to Day, it will be yet more Unseasonable to Morrow; and we shall be hard put to't ever to find a proper Period to fix it in. But in Truth, this is only a Slander on the Body of the Clergy, of whose General Temper, those that understand it well, have a quite contrary Opinion; and believe, that were they permitted to Assemble, they would do it in as Calm and Decent a Manner, with as Hearty Expressions of Deference to my Lord Archbishop, Duty to the King, and Good Will towards one another, as ever any of their Predecessors met. 'Tis natural indeed for Men, conscious of their having done such things, as are apt to put Men out of Temper, to expect to find 'em so: and it is as natural for the Injur'd to resent, when they are not restrain'd by

by more powerful and pressing Considerations. But it is verily hop'd, and believ'd, that the Clergy are aware of the ill Consequences of such Mutual Bickerings and Struggles; and are sensible, that nothing will gratify their Enemies more, or better justify the Ill Characters that have been given of them, than to see them, when they meet, at Variance with Each Other; and Neglecting Matters of Common Concern, out of Private Dislikes and Misunderstandings. It is not doubted, but that they would come together in such a Friendly and Peaceable Manner, as is absolutely necessary to procure the Good Ends of such Assemblys, and to perpetuate the Use of them. . These, I am sure, are the real Wishes and Opinions of some, who are as well qualify'd to judge, what Disposition the Clergy at present are in, and what Steps they ought in Prudence to take, as any Men; and whose Judgment in this Case would be of great Weight towards making this the Sence even of such (if any such there be) who are otherwise-minded, and towards composing any Heats and Differences, that should happen at such a time to arise. Men, I mean, of try'd and unblemisht Characters; who have never deserted the True Interest of their Church and Country, through Fear; or mistook it, through Weakness; or, for Sordid Ends of their Own, betray'd it; but have acted up to it steddily, and inflexibly, in all Times, and under all Circumstances. These are the Persons which would chiefly be listned to in such Assemblys; where, by a Free Communication of Thoughts, and a Familiar Approach, Many Mistakes, in relation to Men, and Things, would be set right; and a true Knowledge of the Common Good would bring on a Common Concern for it; and even Private Expectations and Depen-

Dependencys would be laid asleep for a while, and cease to influence; and the Wisdom and Courage of a Few (whose Integrity was unsuspected) would do Wonders towards uniting the Judgments, and reconciling the Differences, and animating the Joynt-Endeavours of All. I am far from saying, that this is any Reason, why we have not such Assemblys at present; but it may serve to Account for the Omissions of a Former Reign.

This is what I thought necessary to be said here, in order to Vindicate the Delign of the following Book, and to acquaint the Reader, what Alterations, and Enlargements he may expect to find in it. The Number of these is not increas'd by any Change made in those Few Passages, which my Lord of Sarum has been pleas'd to single out, as most lyable to Exception: for in Those, I have not, upon a Re-examination, found my self oblig'd to alter any thing; but have left them, just as they stood before his Lordship's Reflections came forth; for which I shall e're long, give his Lordship and the Reader my Reasons. Nor have I, in the mean time, been deterr'd by the Weight, or Justness of his Lordship's Reply, from entring into Further Considerations of the same Nature with those that occasion'd it; and making New Remarks on some Other Parts of his Lordship's History, as they fell in my way—which his Lordship will, I suppose, as Easily Justify.

One Change only his Lordship's Reflections have produc'd, that whereas before, I sent these Papers abroad without a Name, I have now yielded to his Lordships Reproofs, so far as to act more freely and openly: The rather, because his Lordship has been pleas'd to impute that part of my Management to a Principle of not Engaging past

* Reflections on the Rights of an Engl. Convoc. p. 2, 3.

Retreat *, and to a Prospect of being Taken off *, as his Lordship is pleased to express himself. Had any Person of Lower Rank than his Lordship said this, I should have taken the Liberty to reply, That such Motives could not have occur'd so readily, but where they had been of Familiar Use and Application. But I know my Distance too well, to make his Lordship such a Return, whatever Occasion he shall give me for it. However, since it was so easy to set this Matter right, by adding a Word or Two in the Title-Page, I have, upon his Lordship's Exhortation, done it; being indeed perswaded, that This was Such a Cause, as no Man ought to be either asham'd, or afraid to appear in.

I am not ignorant, what Menaces have been given out, nor what Measures have been actually taken towards crushing Me, and this Work; but do not find my Resolutions in the least shaken, on that account. I have only taken Occasion from thence to ask my self a few Questions, which, I thank God, I have been able to answer to my own Satisfaction; and am, I hope, prepar'd for any Event that shall befall me.

Whatever Method shall be taken of Answering these Papers, otherwise than by Evidence and Argument, will be a manifest Confession, that they are not in That Way to be answer'd; and All who Look on without Prejudice, will even from hence conclude, that this Book is (what I must take the Liberty to say, I am sure, it is) as far as it goes, A Just and True Account of the Legal Rights and Priviledges of an English Convocation: Of its Rights, I mean, as they stand Now—for what they will be, Ten, or even Two Years hence, I pretend not to Prophecy; if those concern'd

The PREFACE.

xix

ern'd to Assert, and Support, shall Consent to Drop them; and Silence, they say, goes for Consent, in some Cases. Qui Tacet, Consentire videtur, said Archbishop Warham, upon a Question propos'd to the Clergy in Convocation †.

† When the Title of Supreme Head was

under Debate. See the Acts of Feb. 11. 1530.

If the setting of these Legal Rights and Privileges in their true Light, be a Crime, I own my self Guilty: and, should Punishment follow, am the better able to bear it; as suffering, in such a Case, with my Constitution, and for it. But I persuade my self, that Grave and Wise Men will not be Hasty in determining any thing to the Prejudice of the Rights of a Parliamentary Body of Men, and a Fundamental Part of the Constitution; as knowing, that, wherever such an Attempt Begins, it may probably End in Parliament.

I shall close this Long Preface with a Short Request to Those who wish well to the Design of this Book, and have any Materials by them, relating to the Subject of it; that they would be pleas'd to communicate them to me; and if they will allow me to use any of their Names, on that Occasion, the World shall be sure to know, Whom it is Oblig'd to.

A D D I.

ADDITIONS
TO THE
BODY of the BOOK.

Additions, &c.

Pag. 26. l. 7. at the word, *Abolishment*, add, in the Margin.

Apr. 5. 1690. an Act pass'd in *Scotland*, repealing a former Act (first of the second Parliament in 1669) which declar'd the *Supremacy* to be in the *Crown*; and by consequence vesting it in the *Assembly*.

Pag. 54. l. 16. at the word, *Unreasonable*, add in the Margin, How slavishly complying these *Regulars* were, appears from their Behaviour afterwards, at the passing of the Act for the Suppression of their Monasterys: at which tho' all the Abbats were present, yet none of them had the courage to protest against it. See Bishop Burnet's *Hist. Vol. I. p. 260.*

Lin. 23. after the word, *Vote*, instead of the six following Lines, ending at the word, *Instance*, place this passage:

Not that these Fourteen Compliers, together with the other nine, were all that were then present in the Lower House (as his Lordship seems to apprehend); but All only that were there of the Faculty of *Divinity*, to whose Decision the Question now agitated was refer'd. But there was also at the same time, another Question propounded to the *Canonists* and *Civilians* of both Houses: Fourty four of which are said to have been personally present: and most of these being certainly of the Lower House of Convocation, the Number of its Members, who appear'd *in Person*, will by this means be encreas'd to about Fifty: which upon a Computation founded on what is said in the *Acts* of that Convocation, which are left us, and in an *Instrument* fram'd on this occasion by a Publick Notary, and plac'd in the *Appendix* *;

*Num.III. *dix* *, I have reason to conclude, were near as many as appear'd *Personally* in the Bilhop's House; however the *Proxys* of the one came so far to out-number the other, as this Relation of *Josceline* implys them to have done †.

† By the Instru-

ment men-

tion'd it appears that the *Proxys* of both Houses together were in this case 197; and 216 therefore being the whole of the *Votes* of the Upper House, according to *Josceline*; allowing fifty of those 216 to have been present, there must have been 166 *Proxys* in the Upper House, and but thirty one in the Lower.

|| Præter-
quam à
19 Uni-
versita-
tum Præ-
dictarum
sistentiis.

Thus may we in some measure account for the difficulty; if after all it be not founded on a numeral mistake of *Josceline*, or of the Transcriber or Printer of his Copy; such as meet us now and then in that Work; particularly in the Passage before us: where there is mention of the Determination of Nineteen Universities || read in Convocation to dispose 'em towards declaring the King's Marriage Unlawful; whereas from the Acts it appears, and from that Printed Book out of which these Determinations were read, that there were only about Seven of them produc'd; Nineteen Persons indeed are both in the Acts and Instrument spoken of as dissenting from the rest: and this Number therefore was laid hold of by the Writer, and carelessly apply'd to something that it did not belong to. And thus agen afterwards

P. 56. l. 21. after the words, *I know not*, add in the Margent: Since the Writing of this, I have seen an Instance of the Levying of these Wages, as low as the latter end of Q. Eliz. reign.

P. 68. l. 8. after the word *Tears*, instead of what follows, ending at the word, *rose*, put these words, *been us'd to Meet and rise*.

P.80.

P. 80. l. 19. after the words concern me, add

Before I enter on the *Explication* of the Statute, it may not be amiss to enquire into the *Occasion* of it, and to shew, by what *Methods*, *Steps*, and *Progress*, the Clergy were led into that Form of Submission, upon which the Act was grounded; because a good Account of the One of these may be of some Use as a Key to open to us the true Interpretation of the Other. And if I take the Rise of this Account a little higher, and dwell somewhat longer upon it than is necessary, in order to that End, I shall, I hope, be forgiven; since the several *Gradual Advances* that were made towards completing the *Submission of the Clergy* is a piece of History, not yet sufficiently clear'd by any of our Writers, and which even the Pen of my Lord of *Sarum* has left in the Utmost Confusion.

Henry the VIII enrag'd both at the Pope, and Cardinal *Wolsey*, for their Delusions in the Affair of the Divorce, (in which both at last joyn'd) resolv'd, with the ruin of the Cardinal, to lessen the Papal Authority. And, for the better effecting this Design, which could not well be accomplished, without striking a Terror into those who were then but too much the Pope's Vassals, the Clergy, especially the Monks and Fryers; he involv'd them all in a *Præmunire*, for submitting to *Wolsey's* Legatine Character, unauthoriz'd by the Crown; not for Procuring, or making use of Provisional Bulls, as Dr. *W.* in his Usual Kindness to the Memory of the Clergy, and according

4 The Methods by which it was brought about.

† Not in P. 82. after the Long Note in the Margin,
a Petiti- add this Note.
on, as the

Bishop represents the matter, (Vol. I. p. 112.) misled by my Lord Herbert : for no Formal Petition was put up by the Clergy on this occasion : only by a Line or two inserted in their Grant they beg'd the King's pardon. This Grant, as certified by the Archbishop in his Letters Testimonial to the King, I have seen. It shews how the Fashionable Strain of Flattery then ran, and withall clears up a Dispute, that has been sometimes raised from a Passage in Antiqu. Britann. about the Clergy's way of wording the Acknowledgement they made of the King's Supreme Headship : For which reasons, and because we may learn from thence the Method in which the Clergy's Gifts of Subsidies were then made to the Crown, it may deserve a place in the Appendix. See Num. IV.

† From
Feb. 7. to
Feb. 12. My
Lord of
Sarus di-
spatches it
in two
days. V. I.
p. 112.
Ex Actis
M. SS.

This was the leading step in the Clergy's Submission, and pav'd the way to what afterwards followed. But it was not without Great Difficulty extorted from them; the Debates of Convocation being wholly taken up with it, for five days together † : in most of which the Two Houses sat from Morning to Evening. And during this time at least seven or eight Menacing Messages were sent them from the King by the Great Men of the Law, or by some of his Privy Councillors and Nobles.

At first, his New Title was propos'd * to them, in these Terms ; *Ecclesiae & Cleri Anglicani; cujus Protector, & supremum*

* From the King, as a necessary Ingredient in their Grant, without the Insertion of which, and of four other Passages (mention'd in the Acts) it would not be accepted.

† My Lord Bishop imagines them to have inserted this Title of their own Accord, in the Petition ; which he imagines them also to have presented to the King. (Ibid.) But both these Imaginations of his Lordship's are groundless.

Caput is solus est. --- But This would by no means be admitted † : and the reason which the Lower House gave for their Refusal was, *Ne forte post longævi temporis tractum Termini in eodem Articulo generaliter positi, in sensum Improbum traherentur* : A Reason, which had they kept in their

The Methods by which it was brought about. 3

their Eye afterwards, when they gave up their Power of *making Canons*, we should have been somewhat less *apt to understand the meaning of their Submission, than now we are.*

After three days, the King finding them obstinate, was prevail'd with to soften these harsh Terms with the Addition of *Post Deum*, after the word *Caput* : But neither would this Form pass; the Clergy being determin'd to hazard All rather than comply with it. So on *Febr. 11.* the Archbishop brought in a Further Qualification of it; letting them know, the King was contented it should run, *Ecclesiae, & Cleri Anglicani, cujus singularem Protectorem, Unicum & Supremum [Dominum, & quantum per Christi Legem licet, etiam Supremum]*

Caput, ipsius Majestatem recognoscimus. And with this Salvo : the Supreme Headship was acknowledg'd. However, still with some Reluctance : for when, upon the Archbishop's Proposal of this last Form, a General Silence follow'd, and he took the Advantage from thence to say, *Qui tacet, consentire videtur* ; some of them reply'd immediately, *Itaque Tacemus Omnes* : and there their Morning-Debates ended. But the King, having stoop'd so low, in his last Demand, to meet the Clergy's Scruples, was resolv'd to have a more explicit and solemn Assent from them : and the Debate therefore being renew'd in the Afternoon, the

∴ Mr. Mason (*L. 3. c. 4. p. 281.*) chimes in with the Account of *Antiq. Britan. (p. 326.)* wherein it is said, that this Synod at last gave the King the Title of Supreme Head, without any such Salvo. But the words of the Convocation-Acts, on which he professes to build his Opinion, shew the mistake of it ; They were, he tells us these, *Post multa communicata & tractata interdictos Reverendissimum, &c. iterum interrogante dicto Reverendissimo Patre, omnes & singuli tam Episcopi quam Prælati, Abbates & Priores, &c. expressius consenserunt.* Much the same words occur in two several Transcripts of those Acts now in my Hands, and manifestly appear to mean no more than this, that, whereas before they had testify'd their consent by Silence only, now they did it more Expressly, and Formally, by Subscription of their Hands.

6 The Methods by which it was brought about.

∴ Cant.
Lond.
Cov. Roff.
Elien. Ex-
on. Lin-
coln. A-
saph. Bath
and Wells.

* Not 52.

as the Bi-

shop has it, Ibid. † And (to spoil my Lord of Sarum's Conjecture, Ib. p. 113.) Reginald Pool, tho' Dean of Exeter, and assisting Personally in this Session of Convocation, (for I find him nam'd in a Committee of Jan 12.) was certainly not one of them. For besides that Those who perus'd the Original AEs of this Convocation, (as Herbert and Mason did) and have particularly observ'd from thence that Fisher Subscrib'd in the Upper House, and Gardener in the Lower, would surely have taken notice of Pool also, had they met him there; We have Pool's own word for it, that he was away, in that very Book of his, which his Lordship (p. 221.) quotes, to prove the contrary; where are these words, *Supremum Caput Ecclesiæ appellari vis (He speaks to H.8.) & hunc Honoris Titulum Tibi omnium Ordinum consensu delatum esse contendes. At Ego, qui dum hæc statuerentur, non adfui, &c.* p. 58. As for what his Lordship adds, that H. 8. continu'd Pool's Pensions, and Preferments after this, it is no Argument that he Subscrib'd: for he enjoy'd them even at the moment that he wrote his Book against the King, (which was after Fisher's, and More's Death): and yet it is certain, that before that time he had given the King many Occasions to withdraw his Favour. But his Noble Blood, and Character were his Protection. He owns himself in that Book præ cæteris Regiâ Liberalitate frui (L. 1. p. 1.) and (p. 84. l. 4.) he has these Expressions, *Hoc ipso Tempore quo alios, qui eandem quam Ego sententiam defendunt, acerrimè insectatur (H.8.) mea studia benignitate suâ fovet.* So that his Lordship could not well have made a more Unfortunate Guess than this, or have supported it more un-
wardly.

This Dispute being over, the Terms of the King's Pardon were soon agreed on, and the *Præmunire* releas'd afterwards by Act of Parliament. But that Act extending peremptorily to the Clergy of Canterbury Province alone, those of York were to follow the Pattern thus set, before they could be Indemnify'd. And yet here
the

the matter stuck much longer than in the other Province, and met with far greater Obstructions; the Influence of the Court, it seems, operating more faintly at 150 miles distance: so that, after frequent Debates and Adjournments, this Convocation came not to a Resolution in the Point, till May 4. 1531; as appears by a Manuscript Diary of what pass'd at the Meeting *. And even then, of the two Bishops of that Province †, one [Bishop Tunstall] protested against what was done: And a Copy of this Protestation ||, taken from the Acts, may not be unworthy the Reader's Perusal, on the account both of the Matter of it, and of the Venerable Character of the Person that made it, who was reckon'd one of the Best, most Moderate and Learned Prelates of his time. And Henry the Eighth therefore thought his Consent of that moment, as to write a long Letter to him: in his own Hand (extant in the Cabala) on purpose to gain it.

* My Lord of Sarum has given another Proof of their backwardness to comply from a Letter in the Cabala, written to them by H.8. in order to remove their Scruples, as his Lord-

ship apprehends (Ib. p. 112.) But I durst not relye on his Lordship's Judgment so far as to give that Letter in Evidence, for two Reasons: First, because I find it not to have been sent, till the Dispute was quite over; for it was written (as the Letter it self says) in answer to one of May 6. two days before which the King's Title had been recogniz'd in that Convocation: And secondly, because it was not sent to the Convocation it self, nor yet to the President of it, to be communicated to the Body, but to Bishop Tunstall singly; who had, it seems, on May 6. justify'd his Protestation in a Letter to the King, to which that in the Cabala is a Reply. This appears, not only from these Dates, but by comparing the Letter, and the Protestation together; the One being an Answer to the Objections advanc'd in the other. The Title of this Letter in the Cabala impos'd upon his Lordship But a very little attention to this Title might have convinc'd his Lordship, that it was affix'd by some ignorant Hand: for it represents the Letter as written in 1533, i. e. two years after the Dispute really hapned.

† The See of York was then void, the Dean and Chapter the Guardians of the Spirituality, and during the Vacancy, presiding in this Convocation: and here again therefore the Letter in the Cabala has drawn his Lordship into a mistake;

8 *The Methods by which it was brought about.*

be supposing that the opposition there refer'd to was made by Lee Archbishop of York, because he supposes the Letter to have been written to him; whereas Lee was not Consecrated till this Opposition was all over. See Hist. Ref. V.1. p.214, 215. & App. p.285. l.36,37.

|| See Append. Numb. V.

∴ He wrote another to him against the Divine Right of Auricular Confession. See Hist. Ref. Vol.1. Coll. of Rec. Add. p.366.

Tho' the Preamble of the *York-Subsidy* was agreed on *May 4.* yet was not the Grant it self perfected in all its forms till *Novemb. 20.* and consequently the Act of Pardon for that Province not pass'd, till the Session of Parliament beginning *Jan. 15. 1531,* and in that very Session the Clergy were call'd upon to Explain themselves further, and to make a more distinct Acknowledgment of the Powers involv'd in that New Title they had bestow'd on the Crown.

Two things stood in the way of the King's Designs, the *Old Papal Constitutions,* and the Clergy's Power of making *New Ones.* To remove these, the *Commons* were made use of; who in the latter end of the Year *1531* put up a long *Supplication* to the King, against the *Ordinaries*: and therein complain'd; first, of the Body of Ecclesiastical Laws then in force, as containing many things injurious to the King's Prerogative, and burthensome to the Subject; and, next, of the Privilege, which the Clergy claim'd, of Enacting Canons by their own sole Authority, without consent of the Crown; a Privilege, beyond what the Parliament it self ever pretended to. Many other Articles of Complaint were mention'd in that Paper; but these were most insisted on, and seem to have been those for the sake of which it was chiefly pro-

procur'd : Which makes me wonder, that my Lord of *Sarum*, in his Abstract of it *, should forget to give any Account of them. But his Lordship design'd all along, I find, so to handle things, as not to Exhaust them, nor to discourage the industry of others, who should be willing to write after him on the same Argument. I have seen this *Supplication*, but shall not insert it here, because so much of it as relates to our present Subject, is almost in Terms recited in the *Reply* made by the Clergy to it, when the Convocation met, after a short Recess, on *Apr. 12. 1532* : which *Reply* I shall give the Reader at length†, as I took it from two several Copies, one of them transcrib'd from the Records of Convocation. *Gardiner* Bishop of *Winchester* had the chief Hand in drawing it up, and both Houses || approv'd it. In it, they express'd themselves with great Deference to the King's high Wisdom, and Learning, and profess'd a readiness to comply with any reasonable offer that should be made for reforming the Ecclesiastical Laws: but however at the same time asserted the Validity of the *Old* Canons, and their own Power to make *New* Ones, independently of the Civil Authority.

The King was displeas'd both with this Answer, and the Drawer of it, as I learn from a Letter of Bishop *Gardiner's* * to him, excusing himself on that Head: and he remitted it therefore back again to the Convocation, to be better consider'd of by them. For on *Monday, Apr. 29.* I find the Matter again in Debate there, and those Debates continuing till the *Monday* afterwards, without effect: When the Prelates, who had already felt the King's Frowns on the
account

* Vol. 1.
P. 116.

† Append.
N. VI.

|| The Upper
Apr. 15.
the Lower,
Apr. 19.

* See it
Append.
Num. VI.

* See it
Append.
N.VI. (b)

account of the first Answer, that came Originally from them, were willing that the Lower House should have the Honour of drawing up the next; and therefore recommended it to the Prolocutor and Clergy to agree upon such a Reply, as they should think expedient. A Committee of the Lower House was thereupon appointed, who drew up a New Answer to the former part of the Supplication (which stuck most with the King); and accompany'd it with an Assertion of the Clergy's Power to make Canons, as founded in Scripture; the Passages of which they rang'd under four several Heads: And this, and their New Answer* they laid before the Upper House on *Wednesday, May 8.* It is a Paper pen'd with great spirit and firmness, and by the whole Contexture of it shews it self to be the work of some other Hand than that which drew up the First. And here still All that the Clergy say, turns on Two Points, relating to *Laws*, (as they speak) either *New*, to be by them made, or else *Old*, to be by them Reform'd; and they give their Distinct Answers upon each of them. For the *New*, which they should hereafter make, they promise to *Suspend them when made*, from time to time, till the King should give his Consent and Authority to them: for the *Old*, that, in time past had been made by their Predecessors, if any of them should be found to be of such dangerous import, as was pretended, they engage to *Revoke* and *Annul* them. But both these Assurances were clogg'd with such Exceptions, and Reserves, as made them utterly insignificant to the Purposes for which they were demand-
ed.

The

The Form of Submission propos'd by the King. 11

The Upper House agreeing to this Answer, the Bishops of *London* and *Lincoln*, the Abbats of *Westminster* and *Burton*, together with *Sampson* Dean of the Chappel, and *Fox* the Almoner, were desir'd to attend the King with it; and at the same time to be instant with him, in behalf of the Clergy, that he would preserve and protect their Liberties and Immunities, in like manner as his Noble Ancestors had done. Which Verbal Request was added, I suppose, in relation to some Act, then upon the Anvil, restraining their Priviledges, of which kind more than one pass'd in that Session. This done, the Convocation adjourn'd till *Friday* †. † *May 10.* When the Almoner reported to 'em how little satisfaction their second Answer had given; and withal produc'd a Form * which the King requir'd them peremptorily to sign, and under which he would not be contented. It ran in these Terms following.

* I have
Printed it
from two
Copies;
one drawn
from the

Acts of Convocation, the other (A) lodg'd among some Records of the Crown: and where this last differs from the first, I have added the Variations in the Margent.

Articles to be propos'd in the Convocation.

1. That no Constitution, or Ordinance, shall be hereafter by the Clergy Enacted, Promulg'd, or put in Execution, unless the King's Highness do Approve the same by his [High] Authority and Royal Assent; and his Advice [and] Favour be also interponed for the Execution of every such Constitution [among his Highness Subjects.]
A. [Highness.]
A. [Aid, and]
A. [to be made in time coming.]
2. That whereas divers of the Constitutions Provincial, which have been, heretofore Enacted, be thought not only much Prejudicial to the King's Prerogative

A. [over-
much.]

A. [cho-
sen and
appoint-
ed.]

A. [away,
by the
King and
the Cler-
gy.]

A. [be A-
bolyt. as]

A. [being
viewed
and ap-
probate by

the foresaid Thirty two Persons which by the most part of their Judgments do.] A. [once Impe'trate and fully.]

* The Bi-
shops of
Lincoln,
and Wells,
and the
Abbats of
Westm.
and St.
Benners.
† Fox, Po-
well, Wil-
son, Duck,
Doctors of
Divinity,
Raynes,
and Cliff,
Doctors of
Law.

¶ May 13.
∴ Bishop
Burn. Hist.
Ref. Vol. 1.

gative Royal, but also [much] Onerous to his High-
ness Subjects, it be committed to the Examination
and Judgment of Thirty two Persons ; whereof
Sixteen to be of the Upper and Nether House
of the Temporality, and other Sixteen of the Cler-
gy ; All to be [appointed] by the King's Highness :
So that finally which-soever of the said Constitu-
tions shall be thought and determined by the most
part of the said Thirty two Persons worthy to be
Abrogate and Annull'd, the same to be afterward
taken [away] and to [be] of no force and
strength.

3. That all other of the said Constitutions [which]
stand with God's Laws and the King's, to stand
in full strength and power, the King's Highness Royal
Assent [given] to the same.

Upon receiving this Paper, the Clergy ad-
journ'd first to St. Catharine's, and then to St.
Dunstan's Chappel, in the Monastery ; out of
some fond conceit, I suppose, begotten in them
by their Popery, of Help to be had from those
Saints, at this time of need. The Result of
their Debates was, to send four of the Upper *,
and six of the Lower House † to the Bishop of
Rocheſter, then absent, for his Advice in the
case, by which they seem'd inclin'd to govern
themselves ; and in expectation of it adjourn'd
till Monday ||. 'Twas easie to foresee where this
would end ; for Fisher's Principle was well
known ; and the King therefore once agen re-
took himself to the ∴ House of Commons ;
sending for the Speaker on Saturday, in the In-
terval of the Convocations sitting, and by him
informing

Informing the House of the Oath which the Bishops and Abbats took to the Pope; by which it appear'd, that they were but half Subjects to himself: and leaving it to them, to improve this Intimation, in what way they thought fitting; and to reduce the Clergy to as intire an Obedience to the Crown of England, as the Laity paid.

This wrought so effectually, that, when the Clergy met again on Monday, the Bishops House came quite up to the King's Terms, upon the First Article, and promis'd "not to Enact, Promulge, or put in Execution any Constitution, by them to be made in time coming, unless the King by his Royal Assent should License them to Make, Promulge, and Execute such Constitutions, and the same so made should Approve by his Highness's Authority." Which the Lower House also assented to, on condition that the Promise might take place for the King's Life only. But, upon the second Article, neither of them could be brought any further, than to refer all the Old Canons to the King's Examination and Judgment alone, and to promise, by their own Authority, to Moderate, or Annul what he should disapprove; but with such a General Saving in the close of this Promise, as left it still in their Power, which of them they would keep, and which they would part with.

* See App.
numb.
VI (c).

The latter Clause of this Submission gave no manner of content, nor the Restriction of it to the King's Life in the former. He was netled at so many delusive Answers, and resolv'd therefore now to speak plainer, and to rise higher upon them in that part of his Demands, which they took

took most pains to evade. So in their next Session (which was on *Wednesday, May 15.*) a New Form was transmitted to them, wherein they were expressly requir'd, as well not to *Attempt, Alledge, Claim* or *put in Ure* any of the Old Canons, without leave from the Crown, as not to *Enact, Promulge, or Execute* any New Ones: and this, without any Limitation to the King's Life, or any other Reserve, or *Salvo* whatsoever. The Punctual Terms of it were, that they should *never from thenceforth presume to Attempt, Alledge, Claim, or put in Ure, or to Enact, Promulge, or Execute any Canons, Constitutions, &c.*

† Here the Reader may observe, that the word, *New*, which was joyn'd to *Canons*, in the former Paper of *Articles to be propon'd in Convocation*; where the Verbs [*Enact, Promulge, Execute*], relating intirely to New Canons, were only us'd; I say, that the word, *New*, is, in this last Form, omitted, because other Verbs were now added [*viz. Attempt, Alledge, Claim, and put in Ure*], which had a design'd Reference to the *Old Provincial Constitutions*; and the word, *Canons*, therefore could not have been equally govern'd by all these seven Verbs, unless it had been put there indefinitely, without any Restriction either to *New, or Old* ones.

By this Promise, not only the *Legislative Power* of the Body, but also the *Jurisdiction* of the Prelates, whether acting in, or out of Convocation, had been cut off at once: and they therefore, who had been so easie in the other steps taken, yet refus'd absolutely to comply with this last. To work them to it, Six Noble-

men †

† See App.
Numb.
VI (d).

men † came from the King, who, after an Hours Conference, carried back to him their Final Resolution; which was (as appears from the Event) not to submit in those Terms of *Attempt, Alledge, Claim, &c.* whatever might be the consequence of their Refusal.

† *Duke of Norfolk, Marquess of Exeter, Earl of Oxford, Lord Sands, Bullen, and Rochford.*

The Lords were no sooner gone, but the *Prolocutor* and some of the Clergy, (who had been debating this Form below, while the Prelates and Noblemen were conferring above) came up with the Resolution of their House upon it; the Majority of which had, it seems, yielded to it (by what inducements, I know not); Eighteen only opposing the first Article, and Nineteen the two latter *;

besides Eight in the one case, and Seven in the other, who *referr'd*, i. e. were Neuters. The Archbishop

* *The last Article about the Old Canons was divided into Two Branches, as in the Form before propos'd. p.*

inform'd them, where the matter stuck with the Prelates, and how he expected the Return of the King's Messengers, with some Abatement in the Terms of Submission; and wish'd them to go down to their own House, and wait the Event. About Noon, the Lords came back, and brought with them the King's consent to the Clergy's submitting, without those Terms which they scrupled at; so that it should be enough if they promis'd, not to *Enact, put in Ure, Promulge, or Execute any New Canons*. Upon this Foot a New Draught of the Submission was soon made, and as soon agreed to by all the Members of the *Upper House*, the Bishop
of

16 *The Upper House sign a Form of their own.*

† *Three other Bishops* (London, Lincoln, and St. Asaph) *admitted it Conditionally.*

of Bath and Wells † only excepted. But when it came to the *Lower Clergy*, they, it seems, having already pass'd

a more ample Form, wherein this was included, thought their Consent to it needless; and, without putting it to the Vote therefore, were Prorogu'd to the fifth of *Novemb.* I say this upon very good Grounds; because, beside the Evidence I have for it, from the silence of the Acts, in this case, tho' in all the preceding Forms of Submission, they expressly mention the Lower Clergy's concurrence *; I find, that the *Instrument of Submission*, which, under the Hands of three Publick Notaries, the Archbishop the next day †, presented to the King, in due Form of Law, ran in the Name of the *Upper House* only. This *Instrument*, as I faithfully Copy'd it from a Manuscript, in that Noble Treasury of State-Papers, my Lord *Longueville's* Library, shall have place with the other Forms, in the *Appendix* ||: it being of the utmost consequence in our Dispute about the sense of the Statute of Submission; and indeed, when taken together with the Accounts which I have given, clearing it up beyond a possibility of being disputed, I shall add from a Transcript of the Acts of this Convocation, so much as is necessary to confirm this Narration in all the Chief Circumstances of it. See *Append. Num. VI (f).*

* *Of the first Answer made to the Commons Supplication, it is said in the Acts, Sess. 99. Lectæ sunt Responsiones ad Billam Inferioris Domus, & post Introitum Prolocutoris rursum perfectæ fuerunt.*

Tunc Reverendissimus interrogavit an Ipsi consentirent; & consenserunt. *The second Answer to the House of Commons is there mention'd, as not only consented to, but even drawn up by the Lower Clergy. Sess. 104. Commissarius recitavit voluntatem Reverendissimi super prædictâ Supplicatione & voluit Prolocutorem; &c. quod concipiant Responsa sua in Scriptis. Of the third Form these words are us'd, Sess. 107. Concordatum est quod Articuli*

Articuli Responsionis valerent : Deinde inferuntur Submissio & Articuli Responsionum Cleri.—Which shews, that the Agreement mention'd to this Form was an Agreement of both Houses ; as it is expressly said to have been in the Cotton-Manuscript, (See it App. Numb. VI. (c) and as the Use of the Expression [Concordatum est] the very next Session before this, implies ; where there is this passage, Concordatum est quod Episcopi Lincoln. Bath. & Well. &c. nec non Magister Edw. Fox, Magistri Powell, Wilson, & Duck, in Sac. Th. & Magistri Raynes & Cliff, DD. Juris irent Episcopo Ross---Sess. 106. The consent here was to a Committee of Both Houses ; and Both therefore must have agreed to it. Finally, their Agreement to the Fourth Form is not only taken notice of ; but the Numbers also are given of those that disagreed, and those that referr'd. Sess. 108. Tunc dictus Prolocutor nomine totius Coetus Inferioris Domus respondebat ad hujusmodi Schedulam & ad singulos Articulos ejusdem, prout continetur in quâdam Schedulâ factâ per modum Scrutinii, quam Schedulam tunc & ibidem exhibuit, & dimisit apud Acta, &c. Had therefore the Fifth and last Form been Voted also by the Lower Clergy, the Acts would, to be sure, have taken notice of their Consent in this step, as well as they do in all the Former. † May 6. || Numb. VI. (e)

This was the Last Act of the Clergy in the matter of their *Submission*; and we hear no more of it therefore till near two years afterwards, when it came to be Enacted by Parliament. Till that time, it bound them, as their own Act and Promise only ; without any Penalty annexed to the Breach of it : and it might have been question'd, whether this Promise was not *Personal*, and did not die with the Makers of it. But in March 1533, a Statute pass'd which perpetuated the *Submission*, and oblig'd all their Successors, under pain of a *Premunire*, to stand to the Terms of it.

There are then, in the course of this whole Transaction, *Three* different Steps, or Periods to be observ'd : the First, when the King's *Supreme Headship* was acknowledg'd, in Febr. 1531 ; the second, when the Clergy in May 1532, yielded up their Power of making Canons by their own sole Authority ; and the Third, when this Con-

* Sometimes, I say; for his Lordship is not

cession of Theirs was Ratify'd by Parliament. And the First and Last of these were above four years distant from one another; however my Lord of *Sarum* comes to speak of 'em sometimes *, as if they had hapned all at once; and indeed passes over the whole Series of this Affair so slightly, as not to afford us one Paper, and

constant in his Assertions on this Head: but has expressed himself, in the several Parts of his Work, with a very Observable Variety. Generally his Lordship so speaks, as if he thought the Clergy to have made their Submission, when they gave their Great Subsidy [See to this purpose Vol. 1. p. 112. l. 12, & 24. p. 113. l. 11. App. p. 285. l. 34. Vol. 2. p. 48. l. 4, 5, &c.] and yet, in other Places, he seems to apprehend, that they submitted in the year (before that, as his Account runs, the year) 1530, [See Vol. 2. p. 48. l. 9. & p. 191. l. 45.] and again the year 1534 is the Period assign'd by him for it, [See Vol. 1. p. 147. l. 26, 27.] Whereas it really belongs to none of these years, but to the Month of May, in the year 1532; which yet I do not remember his Lordship any where to have pitch'd on; tho' he has mention'd the Date of this Submission at least ten times in his two Volumes; and mention'd it here and there with a Design of correcting the Mistakes of other Writers concerning it. Particularly, where he sets Sanders's Misdate of it right, he closes his Remark with this Censure, So that it is clear, says he, that Sanders never look'd for any Verification of what he wrote, [Vol. 1. App. p. 285.] Words, which unluckily dropp'd from his Lordship's Pen, at a time, when his Lordship had as little light concerning what he was writing of, as any of those that had gone before him. I say not this to discredit his Lordship's Applauded Labours, (that would be a vain Attempt); but in order to keep lesser Writers (and among Them, My Self) in Countenance; when they commit like Mistakes, and to furnish them with Great Precedents for want of Exactness. Indeed I have my self need of this Plea, upon the present Article; who have, in more than one place of the former Edition of this Book, spoken of the Clergy's Submission and Subsidy so, as if they had born one another Company. But in this I follow'd his Lordship's Accounts too respectfully; thinking, that what his Lordship had so often laid down, in a Point so obvious to be known, could not well be mistaken. But if the Reader will forgive me my Implicit Relyance this once, I promise to do so no more; nor to take any thing for the future, even upon his Lordship's Authority, Great as it is, without examining into the Truth of it.

By this Confession, I intend not to retract the Censure I had pass'd upon the Author of some Thoughts on a Convocation; who insults the Learned Mr. Hill, for representing the Synod, which submitted, as under the Lash of a *Præmunire*. This (says that Author) is a great Blunder; for the *Præmunire* was off at least three years before, and releas'd by Act of Parliament, in the 22 Hen. 8. the Convocation-Act being not till the 25th [p. 8.] By his
Favour,

Bishop of Sarum's Defective Account of it. 19

Favour, Mr. Hill says only, that Hen. 8. could not have compass'd that Submission but through the Terror of a *Præmunire* [*Pres. to Municip.*] which is very true: for, by the Terror of a *Præmunire*, he compass'd the Clergy's First Act of Submission [their Recognition of his Supreme Headship], which made way for the other. However, supposing Mr. Hill to have err'd in Antedating the Submission, properly so call'd; yet had it been decent in this Gentleman to have treated that Error of his softly, for my Lord of Sarum's sake, from whose History Mr. Hill drew it. More particularly, this would have become him, at a time, when he himself appears not to have known (what, one would have thought, every body knew) that the Clergy made their Submission near two years before it was Enacted by Parliament. A Man so unacquainted as he is with matters of this nature should not venture at random to bestow his Rude Language on the suppos'd Mistakes of Others.

not above One or Two Circumstances †, that relate to it; complaining of the loss of Journals ||, and of the want of Light; tho neither the one of these be lost, nor the other wanting; and there was perhaps not any thing done by the Clergy throughout Henry the Eighth's Reign, of which a fuller and more distinct Account can be given, than of the Transaction now before us. In truth, this being the most Important Church-Scene that was open'd in that Time, and the First and Great step that led the way to a Change in Religious Opinions, it might have been expected, that his Lordship would have given himself the trouble of looking out for such Materials as were proper to explain it. But since he did not, I have ventur'd upon it; glad of an Opportunity of returning some of those many Obligations, which his Lordship says *, he has laid on me; and says it, in such a manner, that, whatever Mistakes I may have found in his Lordship's other Accounts, I am not at liberty to dispute this; which springs from his Lordship's own knowledge, and remembrance. Sure I am, that it had never any share in mine; for what

† With which Ant. Brit. furnish'd his Lordship. || Vol. p. 95. * In his Late Reflect. on Rights, Power, &c. p. 2. his

Submission not binding Now, as an Act

his Lordship did in this case, was done in so Generous a way, as to be perfectly a Secret to me, till he told me of it in Print. However, since oblig'd I am, it seems; 'twill become me to return it. His Lordship himself is above my poor Services; but might I hope to do any little good upon his History; That way my Gratitude should be turn'd, as Time and Opportunity favour'd me.

I have produc'd the several *Forms* in which the Convocation *submitted*, not out of any Apprehensions, that the *Measure* of their *Present Power* is to be taken from thence, any further than they may be of use to give Light to the Statute; on which alone it depends. In no Submission of *Theirs* are there any words, which expressly and in Terms bind the *Future Clergy*: and, had this *Act* of theirs extended to their *Successors*, yet all they *did* in *Henry* the Eighth's Reign, was *undone* again by them in the Reign of *Queen Mary*; when the Clergy

* See their Address, to this,
among other Purposes, *Hist. Reform.*
Vol. 2. Coll. of Rec. p. 266.

assembled in Convocation complain'd * of the Statute of Submission, Petition'd for a Repeal of it, and obtain'd it. And tho' it was reviv'd afterwards in *Eliz.* yet was not that Revival at the Instance, or with the Express Consent of the Clergy: and they stand bound therefore, at present, by no Act of their own, but by the Temporal Law only; Which what Restraints it lays upon them, is now to be consider'd.

The Words of the Act are, *That they, ne any of them shall from henceforth presume to Attempt, Alledge, Claim, or put in Ure any Constitutions,*

or

or Ordinances, Provincial, or Synodal, or any other Canons ; Nor shall Enact, Promulge, or Execute any such Canons, Constitutions, or Ordinances Provincial, by whatsoever Name or Names they may be called in their Convocations in Time coming (which always shall be assembled by Authority of the King's Writ) ; Unless the same Clergy may have the King's most Royal Assent and License to Make, Promulge and Execute such Canons, Constitutions, and Ordinances.— Here are Two several Things distinctly prohibited to the Clergy, in Two Different Members of this Clause, that have each their proper Verbs, and those Verbs Substantives of their own, which they govern, and in which their signification and force is determin'd. The Clergy are forbid, in the first place, to Attempt, Alledge, Claim, or put in Ure any Constitutions, or Ordinances, Provincial, or Synodal, or any other Canons ; They are forbid, in the second place, to Enact, Promulge, or Execute any such Canons, Constitutions, or Ordinances Provincial, by whatsoever Name, or Names they may be called in their Convocations in Times coming, Unless the same Clergy, &c. The First Member of this Clause is plainly intended to vacate all the Canons already made ; the Second, to hinder the Clergy from making any such for the future, without leave from the Crown : The former words tye them up, in point of Jurisdiction * ; the latter, in point of Legislature : As they might

* The four first Verbs are all Terms of Art us'd

in Pleading ; the two former, borrow'd from the Court-Christian ; the two latter better known at Common Law. Among These, the signification of Alledging and Claiming is manifest. To put in Ure, at Common Law is much the same as Executioni mandare, among the Civilians ; to put in practice, as the more Common Phrase is : and so I find it us'd in a Letter of E. 4. to Archbishop Bourchier, (See his Register, l. 23. b.) where there is mention of the Imposition of a Tenth by the Pope, on the English Clergy ; the like where-

of (*said that Letter*) hath not been oft times put in Ure in the days of our Noble Progenitors. And as for Attempt, *what* Juridical sense *that* bears, shall fully be declar'd hereafter.

be Judges, or Litigants, they are commanded not to Attempt, Alledge, Claim, or put in Ure [*i.e.* not to proceed any longer by, or be Instrumental any ways in Acknowledging, or promoting the force of] those Constitutions, which had hitherto govern'd the Proceedings of the Court Christian; As Legislators, they are further commanded not to Enact, Promulge, or Execute any such Canons in Times coming, without the Royal Assent, and License. But here is no Expression that can be suppos'd to abridge the Clergy from Debating about the Matter, nor even from Forming the Draught of a Canon, antecedently to such Assent, and License: None of the words [Enact, Promulge, Execute] which alone concern them in their Legislative Capacity, including any such Restraint; and the only word, which can be pretended to imply it, the word [Attempt], being determin'd by its Situation to a sense not very distant from that of Alledge, Claim, or put in Ure; and binding up the Clergy therefore in respect of their Judicial Proceedings, and of Old Canons only, with which alone those words are concern'd; as will evidently appear from these three Considerations.

1. The Entire Clause, wherein these words, [Attempt, Alledge, Claim, and put in Ure] are found, is said to be Enacted according to the before recited Submission and Petition of the Clergy*.

* Which
are Two
Distinct
Branches

of that Recital; the one so nam'd from the word Submitted; the other, from the word Belought, occurring in each: the one containing the Clergy's Promise, in relation to Canons to be made; the other, their Request, for a Review of those which were made already.

Now,

Now, whereas the latter Member of this Clause most certainly belongs to the *Submission*, or *Promise* only ; Enacting that part of it, which concerns the *Making*, *Promulging*, and *Executing* of *Canons* in *Convocations*, for the Time coming : the former Member of it therefore must necessarily belong to the *Petition* ; and that relating to *Old Canons* alone (of which it prays a Review), consequently, some of the words [*Attempt*, *Alledge*, *Claim*, *put in Ure*] must relate to *Old Canons* also : And if *some*, then *All* ; since All evidently refer to the same Matter, whatever it is, have place equally in the same Part of the Sentence, and govern the same Common Substantives at the end of it ; and indeed are All, as I have said, alike Terms of Art, us'd in Matters Juridical, by Common, or Civil Lawyers. Nay further, so little doubt is there, whether these words refer to *Old Canons*, that by these we are sure, the force of all the *Old Canons* was actually *suspended*. For, which is a

2^d Consideration, that the *Old Canons* were somewhere in this Act *suspended*, or *pro tempore*

Abrogated, is plain both from the *Proviso* * at the end of it, for continuing them in force, untill a Review (which, unless this *Abrogation* be suppos'd, had been altogether needless) ; and from the Express words of a latter Act †, which affirms *All the Decrees, Ordinances, and Constitutions* [of the whole Canon-Law] by a *Statute made in the 25th of the King's most Noble Reign to be utterly abolisht, frustrate, and of*

* This Proviso Dr. W. in his pretended Recital of the Act [Num. 4. of his App.] has suppress'd very unfairly ; considering of how great significancy it is to lead us into the true sense of the word, *Attempt*, in the Body of the Statute ; and moreover, that in a later Act, (27 H.8. c. 15.) where *All the Clauses* of this which relate to the Clergy's Submission, are recited, This Proviso bears the other Clauses Company : And he could not therefore well mistake for want of Judgement, such an Authentick Recital as this lying in the Statute-Book before him.

† 37 H.8. c. 17.

none effect. But it is as plain, that this Abrogation was perform'd by no other Act of this Session, nor by any other part of this Act, but the very member of that Clause of which I am now speaking: For, as to the second Clause of it, 'tis design'd only to *impower* the Thirty two Commissioners to Act *Finally*, without a further Recourse to Parliament; and is therefore introduc'd with a "Forasmuch as such Canons, &c. cannot in the Present Session of Parliament, by reason of shortness of Time, be view'd, examin'd, and determin'd.

* I had hopes of furnishing my self with a New Proof of the Truth of this Exposition, from my Lord of Sarum's History, where in the Year 1552 (Vol. 2. p. 191.)

It is certain then, that the words, *Attempt, Alledge, Claim, and put in Ure*, refer to *Old Canons*: and should they be suppos'd, and allow'd to extend yet further to Canons of *Future Conventions*; yet must they be apply'd to such New Canons no otherwise than they are to the Old ones, *i. e.* to such Canons, when *Made*, or *Enacted*, not when *in fieri*, or *about to be made*; and consequently, the word [*Attempt*] cannot, even upon this Supposition, restrain the Clergy from *Proposing, Debating, and Framing*, steps all antecedent to *Enacting*, and from whence it does not necessarily follow. This, I think, is clear; However, if there be any doubt yet left, to remove it, we may appeal,

I read, how, "the Bishops put in a Bill, to secure the Clergy from some Ambiguous words in the Submission made by them to H. 8. in the 21st Year of his Reign; by which they were under a Præmunire, if they did any thing in their Courts, contrary to the King's Prerogative. From hence I presently inferr'd, that the words, *Attempt, Alledge, &c.* must then have been understood of the Clergy, as acting Judicially, since no other words could possibly be suppos'd to restrain their Proceedings in Court. But this Inference was a little too hasty: for upon consulting the Journal of the House, to my Disappointment, I found that this Bill put in by the Bishops was only to screen them from the too Rigorous Extension of the Old Statutes of Præmunire, and had no more a Relation to the Clergy's Submission, than That had to the 21st Year of H. 8. to which his Lordship refers it: In

In the 3^d place, to that very Commission in 1603, which first impower'd the Convocation to *Treat*, and which is generally lookt upon by inattentive Readers as the chief Evidence against that sense of the Act for which we contend; whereas it is in Truth a very convincing Proof of it. For in the Entrance of that Instrument, All of the Submission-Act, that relates any wayes to the Clergy's Power of *Making* Canons, is recited at large; and in that Recital (which deserves Observation) these words [*Attempt, Alledge, Claim, put in Ure*] are designedly omitted, as being known to belong to *Old Canons* only, and to lay no Restraint therefore on the Clergy's power of making *New* ones. For thus that Instrument runs, "Whereas in and
" by one Act of Parliament, &c.---It was En-
" acted, among other things, that they, nor
" any of them from thenceforth should *Enact*,
" *Promulge*, or *Execute* any such Canons, Con-
" stitutions, or Ordinances, Provincial, &c.
This Omission is so much the more remarkable, because it is of some words taken out of the middle of a Clause, from whence several others are recited, as restraining the Clergy's right to make Canons: and these therefore, we may be sure, would not have been left out, had there been any the least colour to apply 'em to the same purpose, either from the Tenor of the Act, or from the current Doctrine of those Times. For we cannot imagin, that my Lord *Coke*, or whoever was the Drawer of this Commission, had intentions of construing any part of it in favour of the Clergy, at a time, when he was contriving a New Precedent, to make (as far as in him lay) their *Liberty of Debate* dependent

* Append.
Num. V.
p. 371.

pendent on the Crown, in Future Ages. Dr. W. therefore is Disingenuous in the highest Degree, where * he pretends to Print this very *Commission*; and, when he comes to the Act of Parliament, which it recites, does not transcribe the Act, as it is there recited (which is in part only); but refers us to his *Extract* of it, *Numb. IV.* and assures us, that it is recited in the *Commission*, as it is in the *Extract, Verbatim*; tho' the most material words in his *Extract*, and such as would be most Conclusive upon the Clergy's Convocation Acts and Debates, if they really belong'd to 'em, are, as I have shewn, designedly omitted in that Recital. Such poor shifts is he forc'd to, to maintain a Bad Cause; which however, even by these ill Arts, cannot be maintain'd. For it was not in the *Commission* of 1603 only, that this imperfect Recital of the Act was made (so that Dr. W. might hope to cover a single Instance from being observ'd); but in *All the Commissions*, that have ever since issu'd; even in the last License of 1689, which was contriv'd more to the Disadvantage of the Clergy's Liberty of Debate, than any of the Preceding Ones. Many of these Licenses I have seen upon Record †, and found them, tho' different from one another in several respects, yet in this of the omission of the words *Attempt, Alledge, &c.* always the same, without any the least Variation. And I believe, I might safely challenge Dr. W. to produce any *One* Instance of such a *License*, wherein these words were not omitted; and might venture to put the Issue of the whole Cause upon it; tho' not having search'd the Records in every Instance, this is what I shall not give my self leave to do.

† Particularly, Those
in 1603,
1640,
1662, and
1689.

The

The Proof drawn from these Commissions might be further confirm'd by like Recitals in other Authoritative Forms ; particularly, in a Proclamation of King Charles the First, let out June 1644 *, which forbids the Assembly of Divines to Meet, and Act, upon These, and These Accounts only ; " Because by the Laws of the Kingdom, no Synod, or Convocation of the Clergy ought to be called and assembled within this Realm, but by Authority of the King's Writ ; and no Constitution, or Ordinance Provincial, or Synodal, or any other Canons, may be Made, Enacted, Promulg'd, or Executed [it says not Attempted, Alledg'd, Claim'd, or put in Ure ; which were words, known to belong to Canons already made] " Unless with the King's Royal Assent and License first obtain'd : Upon pain of every one of the Clergy's doing contrary, and being thereof convict, to suffer Imprisonment, and make Fine at the King's Will ; as by the Statute of the 25 Hen.8. declaring and Enacting the same, doth and may appear. Mr. Bagshaw therefore in his famous Argument concerning the Canons, when he is to produce the words of the Statute by which the Clergy have power to make Constitutions, says they are, that they shall not Enact, Promulge, or Execute any Constitutions, &c. unless they may have the King's most Royal Assent to Make, Promulge, and Execute the same †. But as to Attempting, Alledging, Claiming, or putting in Ure, he never dreamt that these were in the Act apply'd, or were Applicable to this purpose ; and therefore does not mention them. In truth, he was a Lawyer, a Man both of skill, and probity in his Profession ; and

* See it
Biblioth.
Reg. 331.

† P. 12.

and could not therefore but know, that the word, *Attempt*, [with the rest] had no manner of Influence upon the Clergy's Power of making Canons; and would not therefore, tho' piqu'd by 'em at that time, pretend to strain it to such a meaning; but lest that Honest part to be acted by some of their Successors.

It being clear therefore that the words [*Attempt*, *Alledge*, *Claim*, and *put in Ure*] are employ'd, here in the Body of the Act, purely in reference to *Old Canons*; our next enquiry must be what sense the First of these, the word, *Attempt*, can bear under such an Application. For tho' it be easie to apprehend, what is meant by *Alledging*, *Claiming*, or *putting in Ure* a Canon *already made*; yet what the *Attempting* such a Canon signifies, is not obvious to every Reader. But this difficulty will vanish, if we consider that the word, *Attempt*, was Translated into the Act from the *Submission* of the Lower House, and was a *Term of Art*, by them borrow'd from the *Canonists*; among whom it signifies "The Endeavour of putting in force a Subordinate Jurisdiction, or Rule, while under a *Suspence*, by the Interposition of some Higher Authority. This is so well known to those that know any thing of the Civil Law, as not to need a Proof: However, since, I write to such, as may have little or no skill that way, it may be proper to produce several Instances of it.

Attentata-----*videntur posse definiri, ut sint Innovata contra Jus, Lite pendente.* Franc. Herculan. *Tract. de Attentatis*, c. 3. n. 1. *Attentatum nascitur & causatur ob suspensam Jurisdictionem*---Hieron. Manfred. *de Attentat.* L. 1. Part. 1. Num. 8. *Facere aliquid*

*aliquid in Executionem sententiæ, à quâ pendet Appel-
latio, dicitur Attemptatum. Ibid. Part. II. n. 26. §. 1.*
Where also, Num. 27. §. 2. he puts the follow-
ing Case about an Inferior Judge giving Posses-
sion to one of the Partys, after Appeal—*Cum—
Judex à Quo—stante Appellatione in Rotâ, haberet
Ligatas Manus, nec posset circa dictam Causam am-
plius se intromittere, sed ejus Jurisdictio esset in su-
spenso—non potuit dictam Possessionem ad se Advo-
care ; quia hoc spectabat ad Rotam, tanquam in dictâ
causâ, per Appellationem ad se interpositam, Judicem
competentem. And therefore he adds, that unless
this Judex à quo do forthwith restore possession,
sequitur, quòd dicitur Attemptasse, & Innovasse in
Præjudicium Pendentix Appellationis.*

*Pendentia Litis, & Prohibitio Superioris causat
Attemptatum. Card. Tusch. Practic. Conclus. Tom. I.
sub Lit. A. Concl. 542.*

*Attemptatum seu Innovatum, est omnis Actus sine
rationabili causâ, Lite, Appellatione ve, aut his æ-
quipollentibus, pendentibus, à Judice, seu à Parte,
aut ab habentibus Causam ab iis, in contemptum Ju-
risdictionis, & Præjudicium partis factus.—— Rob.
Lancellotti. De Attent. Part. I. in Præf. n. 20.*

And when he comes to explain the sever-
al parts of this Description, he adds, [*Et his
Equipollentibus*] *Prout est Inquisitio, seu Accusatio,
Recusatio Judicis, Dilatio, Relatio, Petitio Consilii
sapientis, Avocatio Causæ, & hujusmodi. Ib. n. 37.*
Pendentibus] *Quia si Lis, aut Appellatio fuisset ali-
quo modo finita, (puta per transitum in rem Judica-
tam) Actus postea gestus non diceretur Attemptatus ;
quia transitus in rem Judicatam tollit Litis penden-
tiam. n. 38.*

And to this very day, the words, *Attemptat*,
and *Attemptatoire* are us'd in the same Artful sense
by

by the *French* Civilians, in their Proceſſes and Pleadings.

This Uſe of the Term being ſo familiar to the *Foreign* Canoniſts, we may be ſure, that our *English* ones were no ſtrangers to it: and we meet with it therefore in Archbiſhop *Chicheley's*

* See it Hiſt. Ref. Vol. 2. Coll. Rec. p. 321.

† Ne quicquam attemptet ſeu attemptari aliquoſiter faciat.

Appeal * from the Pope to a General Council; wherein he proteſts againſt what the Pope ſhould in the *Interim*, † Attempt, or cauſe to be Attempted, as Null; the matter

being then laid before a Superior Tribunal.

But more expreſs to this purpoſe are thoſe *Inhibitory Forms*, which iſſued to Inferior Jurifdictions from the King, or the Archbiſhop, upon a *Viſitation*, or an *Appeal*; and wherein this, or the like Claufe had conſtantly place,---*Vobis diſtriſtè inhibemus, &c. quatenus Pendente Viſitatione noſtrâ, Nullus Veſtrum—ea quæ ſunt Jurisdictionis exercere, ſeu quicquam aliud in præjudicium*

† H. 8. Inhibition to the A.B. of Cant. Dat 17. Sept. 1535. Vol. XII. f. 87. MSS. Bibl. Yelverton.

|| Vide Regiſtr. *Wittleſey* A.B. Cant. f. 34. a.

Reg. *Iſlip* Arch. Cant. f. 162. a. *Arundel*. pt. 1. f. 473. a. f. 479. b. f. 504. *Courtny*, f. 71. b. Reg. *Melton*, Arch. *Ebor.* f. 470. a. *Lee*. f. 101. b. *Sands*, ff. 25, 59.

Vide etiam MSS. Bibl. *Yelv.* Vol. XII. f. 87, 88. Vol. XXV. f. 88, 92.

Viſitationis attemptare præſumat †. Or, Ne pendente—dictæ Appellationis Negotio quicquam in dictæ partis appellantis præjudicium Attemptetis ſeu attemptari faciatis aliquoſiter ||. Inſtances of this kind are numberleſs in the Archiepiſcopal Regiſters of either Province. I ſhall point out ſome few places in each, where thoſe, who have the opportunity of conſulting theſe Books, may, if they pleaſe, find them. But be-
cauſe

cause this is not every ones case, the Reader who is at a distance from such Manuscripts, needs go no further for a proof of this use of the word, *Attempt*, than to the *Reformatio Legum Ecclesiasticarum*, and *Clerk's Praxis in Curiis Ecclesiasticis*: a very common Book; but from which however we may learn how the Term is employ'd among our Practicers here at home, as well as from more solemn Authorities. In the *Reformatio*, &c. *De Appell. c. 42.* these words occur, *Quæ Attendantur contra & post Appellationem, sive Judicalem, sive Extrajudicalem, sunt ipso jure nulla.* From Clerk we have this account of an *Attentat*, in a particular Instance.——

Si in Causâ Beneficiali Clericus, qui obtinuit Sententiam (sciens appellatum fuisse ab eodem tempore latae Sententiæ) curaverit se Institui, aut Induci, hujusmodi Institutio & Inductio dicitur esse Attemptata, & per Judicem Ad Quem sunt primò & ante omnia tanquam Attemptata revocanda. Tit. 238.

But, which is yet more material and observable, precisely in this sense the word occurs even in our *Old Common Law Records*; for Example, in a Writ (*Rot. Cl. 27. H. 3. m. 7. dorf.*) directed to the Prior and Convent of Cant. which takes notice of some Points of Jurisdiction disputed between *Them*, and the *Suffragans* of that Province, during the Vacancy of the Archbishoprick: which Points the King commands them *Tenere in Suspensio*, till a Great Council of the Realm can be call'd; and names certain Persons to take care that the Prior and Convent did not *Interim Attemptare aliquid*, upon the said Articles, thus put in *Suspense*. The Record is of Moment, and I shall place it therefore entire in the Collections *.

I shall

* See App.
Numb.
VI (g).

I shall produce yet one Instance more from an *Injunction* of H.8. Sign'd July 12. 1536, while the *Articles* of that year were debating in Convocation, and the Points therefore to be determin'd by them, yet, as it were, in *Suspence*: Which, that they might not by any means be impeched, ne, by the malice of any seditious Persons, Attempting, before the same shall be thoroughly published and divulged, to expound the Device thereof, after their *Fantastical Appetites*, in any wise Defaced or Slandered; He forbad all Preaching, and Silenc'd at once all the Pulpits of England, except such as were there specify'd, till *Michaelmas* following: giving *strait Charge and Commandment* to the Clergy that *None of them* should Attempt, or Presume in that time to make any Sermons or Collations to the People: and if any of them did so Presume, or Attempt, they were to be committed to Ward, there to remain, till further knowledg of his Pleasure.

This Instance is not, I confess, so Full and Apposite as the Rest. However here also the word, *Attempt*, is twice or thrice employ'd in a sense somewhat akin to what it bears in the other Passages. For which reason, and because the Paper, where these Expressions are, is of great Importance, I have thought fit to Print it †: Especially, since it gives me an opportunity (which I must never neglect) of paying some part of the Debt I owe to my Lord of *Sarum*, and of perfecting his History upon an Head, where it is (as all Histories, to be sure, in some Instances or other are) both Defective, and Erroneous *.

† App.
Numb.
VI (b.)

* This Letter, or Injunction of H.8. never

fell in his Lordship's way: for otherwise the Matter of it is too considerable, for his Lordship to have omitted giving us any Account of it. Besides, had his Lordship seen it, he would never have said, that the Injunctions of this Prince,

Prince, publish'd after the Convocation of 1536 was up, were the First Act of Pure Supremacy done by him: He having in all that went before had the Concurrence of the Two Convocations, (Vol. 1. p. 225.) Since this Inhibitory Letter went out before those Injunctions, and had not the Concurrence of Convocation to it, tho' sitting at that very time when it issu'd. This Letter therefore I have Transcrib'd from the Register of Fox [Episc. Heret. fol. 6, 7.] as his Lordship says he did those Injunctions from that of Bonner: tho' I hope my Transcript may be somewhat more Exact than his Lordship's; who, I find, has omitted in it one of the most Material Articles of those Injunctions, which I shall therefore from a Printed Copy of that Year supply: See Appendix, Numb. VI. (1) And withal shall take this occasion to rectifie a second Slip of his Lordship's Pen, in the Transcript he has given us of some other Injunctions from the same Register of Bonner, (See Vol. 1. Coll. Rec. pag. 252.) and which his Lordship thinks, he has plac'd in his Collection, at their full Length, (Hist. V. 1. p. 315.) but I find them in one Article, somewhat shorter than they should have been; and shall therefore make up this Defect also in my Appendix. Numb. VI (1).

By this time the Reader is not at a loss to know, what the Act means by prohibiting the Clergy to *Attempt* any of the *Old Canons*, i.e. to endeavour to give Force and Life to them; they being, in consequence of the Clergy's Petition, suspended and annull'd, till the Royal Authority, with the Consent of the thirty two Commissioners should revive them: And accordingly, I have said, that by these words, [*Attempt, Alledge, Claim, put in Ure*], and by no other, the whole Body of the Old Canon-Law was suspended and abolish'd; so that there could have been no Proceedings by it in the Spiritual Courts, till the Review of the Thirty two was made, had not a *Proviso* in the Close of this very Act order'd that those Canons should continue in force, till such Review, and be us'd and executed, as formerly: Upon which *Proviso* therefore not only the Exempt Jurisdiction of Deans and Chapters (as my Lord of

D

Sarum

* *Reflections on the Rights of an Engl. Convocat.*
p. 10, 11.

Sarum seems to think *) but moreover the Legality of the Proceedings of his Lordship's own, and of every other Ecclesiastical Court in *England* hangs even of that Court it self, in which his Lordship lately assisted toward depriving the Bishop of *St. David's*.

This *Suspension* of the Force of the Old Canons, till the Review of the Thirty two, was a kind of *Litis-pendentia* ; tho' there were nothing of an *Appeal*, or *Avocation* in the case. For (which is enough) there was a tying up of the Hands of an Inferior, during the Devolution of his Power to a Superior Judge ; and the Illegal practising that Power in the *Interim* is what properly makes an *Attentat* : And of such an *Attentat*, all those *Ordinaries*, who should have proceeded in their Jurisdictions by any of the Old Canons, *pending* the Review, would, I say, in strictness of Speech have been guilty ; had not the *Proviso* at the end of the Act authoriz'd 'em so to do. And they are therefore very properly forbid, in the Body of the Act, to *Attempt* any of those Canons, which were thus Suspended.

And this sense of the word it is so much the more reasonable to admit, in the present case, because, at the time when the Clergy submitted, there was frequent occasion of employing it in this very sense, by reason of the King's Divorce then in Agitation ; concerning which take Bishop *Burnet's* words, in the year 1533, that is, the year after the Clergy made their Submission, and before it was Enacted by Parliament : " A Temper was found out, he says, Sub-

“ that a sentence should be given [at Rome] upon what had been *Attempted* in *England* by the Archbishop of *Canterbury*, (which, in the style of the Canon Law, were call’d the *Attentates*): for it was pretended, that the matter *Depending* in the Court of *Rome*, by the Queen’s *Appeal*, and the other steps that had been made, it was not in the Archbishop’s Power to proceed to any Sentence. Therefore in general it was declar’d, that all that had been *Attempted*, or done in *England*, about the King’s Suit, or Divorce, was Null, and that the King by such *Attempts* was lyable to Excommunication, unless he put things again in the state they were in †. On the King’s Side, the word was, the same year, so employ’d in his *Provocation*, or *Appeal*, to a General Council, Sign’d at *Greenwich*, penult. *Jun.* 1533 ||, where he protests against whatever any one should attempt and innovate, or cause to be attempted or innovated in the mean time. And to this very Doctrine of the *Attentates* it is, that the Manuscript Acts of Convocation in this year refer, where they say, that “ the Clergy demurr’d, whether it was Lawful for them to meddle in the matter of the King’s Divorce, which then lay before the Pope undetermin’d *, because this would have been an *Attentat*, i. e. a Criminal Endeavour of exerting a Power, which was superse-
ed and laid asleep, as to that particular Case, by a Superior Court’s having taken cognizance of it.

† Vol. i.
P. 133.

|| See it
Vol. XII.
f. 71. MSS.
Bibl. Telu.

* 26. Mart. 1533. Tunc vertebatur in dubium an liceret disputare in Negotio Regio, eo quod Negotium pendet coram Summo Pontifice Indecisum.

No Restraint therefore is laid upon the Clergy in their *Legislative* Capacity by the word, *Attempt*, in the *First* Branch of this Clause of the *Act*: There is yet another word in the *Second*, which may be made use of to this purpose; and shall therefore be examin'd. For there they are forbid to *Enact*, *Promulge*, or *Execute* any New *Canons*; unless the King's most Royal Assent and License may to them be had to *Make*, *Promulge* and *Execute* the same: which may seem to make a *License* necessary, if not for *debating* about the *Matter*, yet at least for *framing* the *Draught* of a *Canon*; tho' that *Draught* should be only in a *Preparative* way; without being put strictly into *Form*, or having the last Hand set to it: since the *Framing* even of such *Preparative Draughts*, or *Heads* may be thought included under the Prohibition of *Making a Canon*. But neither is this to be allow'd to our Adversaries; the word *Make*, here in the *Exception*, bearing the same sense as the word, *Enact*, in the *Prohibition*, to which it belongs. They are not to *Enact*, *Promulge*, or *Execute* any *Canons*; Unless they may have the King's leave to *Make* [*i. e.* to *Enact*] *Promulge*, or *Execute* the same: Two of the words in the *Prohibition* [*Promulge*, and *Execute*] are repeated in the *Exception* annext; and the Third, *Enact* is express'd by, *Make*, a word of the same Force and Value. This indeed is what the Phrase it self in Propriety of Speech implies: For to *make a Canon*, is the same as, *Canonem condere*; to *Constitute* it, and give it Force: And so, *Testamentum Condere* [to *Make a Will*] signifies, not merely to prepare the *Draught* of it; but to *make* it with the Legal Forms, and Circumstances requisite; that is, to Sign, Seal, and

and publish it. Nay further (which puts this matter, I think, out of Dispute) the word is in this very sense employ'd in two several Places in the Act, and can there be possibly strain'd to no other. For in the Entrance of the Second Clause of it, there is mention of *such Canons, Constitutions, Ordinances*, as heretofore have been made by the Clergy of this Realm; and in the Last Proviso, of *Canons* already made, *which be not contrariant to the Laws*. *Canons heretofore made*, and *Canons already made* must, doubtless, be such, as have solemnly *Pass'd*, and been *Enacted*; and not mere *Draughts* of them, lying ready to be pass'd: And to *make* a Canon therefore, does, in the sense of the Statute, signifie, to *Enact* it; and not merely to *draw* it *up*, and to *form* it. And this way of Explaining the Act by it self, in the Use of the Present Phrase, is, I conceive, much more Authentick, and proper than what the Author of the *Letter to a Member of Parliament* * makes Use of, who wisely sends us to *Tully*, and to *Mr. Hooker*, for an Account of it. Were not that Gentleman of the Law driven to very hard shifts, he would never go to a Classick Author, or a Book of Divinity for the sense of an Act of Parliament.

The Sum of All that has been hitherto said, is, that there are in the First Enacting Clause of the Statute, Two Distinct *Members*, or *Branches*; One, which makes it Unlawful for the Clergy to *Attempt, Alledge, Claim, or put in Ure* any *Constitutions, &c.* and by that means *Suspends*, and *Vacates* all the *Old Canons already made*; Another which prescribes the Method of making *New Ones*, and forbids them to *Enact, Promulge, or Execute* any such, with-

See the
Addenda
to this
Edition,
and p. 115.

* pag. 26.

out the King's Assent: Leaving them in the mean time to their Old Methods of *Proposing*, *Deliberating*, and *Resolving*, so those Resolutions were not *Final*; and reducing their Power only to (what the Commons *Supplication* desir'd it might be reduc'd, to) much the same level with that of Parliaments: over which, before, the Clergy had, among other, this Signal Advantage, that they *Enacted* Canons by their own single Authority, without the Royal Concurrence. This they were now abridg'd in; and the Method by which they were to proceed, for the future, was thus chalk'd out to 'em: E'er they could *Enact*, or *Make* a Canon, the King's *Assent* was to be obtain'd for so doing; and then, after they had *Enacted* it, his *License* was further to be had for *Promulging*, and *putting it in Execution*. But as to all Convocational Acts, previous to the *Passing*, or *Decreeing* a Canon, they have just the same Right to them, since this Statute, as they had before it.

† 25 H. 8.
c. 20.

* A Pre-
munire.

The Act about the *Election* of *Bishops* † (which immediately preceded this of the Submission) seems to be the Plan upon which it was drawn; much the same Restraints being in either case laid on the Clergy, under the same Penalties*; and the Royal Authority also alike Operating in both of them. For as, by that Law, the King's *Leave* to *Elect* is first made necessary; and then that Election is also to be *Authoriz'd* and *Signify'd* by *Letters-Patents* under his *Great Seal*: So, in *Making* Canons, his Authority is Twice to intervene; first his *Assent* is requisite to *Enact*, and then his *License*, to *Promulge*, and *Execute* them. But as the Dean and Chapter, even before the *Conge d'Esire* [and *Letter Missive*] comes

comes down to them, may, if they please, and think it worth their while, deliberate about their Future Choice, or Proposal, provided they do not actually *choose*, without incurring a *Premunire*; so may the Convocation-Clergy, antecedently to any Leave from the Crown, deliberate and agree upon the *Draughts* of Heads of Canons, provided they do not [*Make, or*] *Enact* such Canons. The only Difference in the case is, that by the *Election-Act* the *Authoritative* Proposal is to come from the King to the Clergy, whereas, by the *Submission-Act*, it comes from the Clergy to the King; the Royal *Assent* to *Enact*, requir'd by that Statute, implying them to have *Treated* and *Concluded Preparatively*, in order to obtain it. For the *Assent*, on the Crown-side, must be to some thing propos'd by the Clergy: and how can they *Propose*, without the Previous *Debate* and *Agreement* of the Body? and indeed, without their drawing in-to some Rude *Shape* and *Form* what is to be propos'd? which therefore, upon the Foot of this Law, are Acts, not allow'd only to the Clergy, but of necessity to be exercis'd by them, antecedently to all Exertion of the Royal Authority; That only excepted, which is contain'd in their Writ of Summons.

This, I question not, is the True and Genuine Exposition of the Enacting Part of the Statute: And, it being the very Hinge, on which the Second Article of our Present Dispute turns, I have thought my self oblig'd to consider it with a very particular care; and to secure it, if possible, against all Exceptions. In order to which it may be further requisite to shew, that I am not singular in this Exposition;

but that others, who may be preſum'd well acquainted with the ſenſe of the Statute, have ſo underſtood it before me: ſuch as *Poulton* and *Raſtal* were. The One, in his *Abridgement*, puts this Title before the Act, “ That the Clergy “ in their Convocations ſhall *Enact* no Conſtitutions without the King’s Aſſent: The other, in his *Repertory* *, at the End of the Statutes, makes this to be the Purport of it: “ That “ the Clergy in their Convocations ſhall *Enact* “ nothing, unleſs they have the King’s Aſſent “ and Liſenſe. Neither of them, it ſeems, were aware, that the Liberty of *Debating*, or doing any thing previous to Enacting was cut off by it.

* In the
word Con-
vocation.

My Lord *Herbert* took it juſt as they did: for his ſhort Summary of it is; That in Convocations nothing ſhall be Promulg’d, and Executed without the King’s Leave *.

* S. 399.

Mr. *Fox* was of the ſame mind: for thus he abridges it: “ That the Clergy ſhall not hereafter “ preſume to *Aſſemble* in their Convocation, “ without the King’s Writ, or to *Enact*, or “ Execute Conſtitutions, without his Royal “ Aſſent †.

† Vol. 2.
P. 330.

Biſhop *Godwin* does not differ in his Account of it, which is, *In prædicto porrò Parlamento decretum eſt de abrogandâ Synodi Authoritate, in Canonibus Eccleſiaſticis condendis, niſi quatenus Rex eos Ratos habuiſſet* ||.

|| Annal. ad
An. 1534.

In a Piece printed Anno 1606, and ſtyl’d, *The Removal of certain Imputations laid on the Miniſters of Devon and Cornwall*, p. 45, 46. are theſe words: “ It is true, that by a certain Statute or “ Act of Parliament, made 25 H. 8. the Clergy “ Aſſembled by the King’s Writ, and his moſt “ Royal

“ Royal *Assent* and Authority given, may *Enact*
 “ and *put in Ure* Canons, Constitutions, and
 “ Ordinances Provincial, or Synodal, &c.

Among the *Querys*, propounded by the *London-Clergy*, concerning the Sixth Canon of those in 1640, this is one, “ Whether the *Oath*
 “ be legally impos’d, so as to bind all the Cler-
 “ gy to take it? The Ground of this *Query* is,
 “ because that, since the Submission of the
 “ Clergy of this Kingdom, the Convocation is
 “ bound by the Statute of the 25 *H. 8. c. 19.*
 “ from *Decreeing*, or *Executing* ought repugnant
 “ to the Customs, Laws, or Statutes of the
 “ Realm, &c.

But *Huntley’s* Book against *Kingsley* is very full upon this Head: And because his Exposition of the Act falls in almost intirely with mine, (tho’ that was more than I knew, when I drew it up); I shall here give it, in all its Particulars: “ This Statute, he says, submits the whole
 “ Clergy unto the Jurisdiction of the Crown
 “ in these two Points, or Respects; First, concerning Canons *made beyond Sea*; and then,
 “ concerning Canons *made in this Land*.

I. “ Concerning Canons *made beyond Sea*, it
 “ so far submits the whole Clergy unto the
 “ Prerogative Royal, and Supreme Jurisdiction of the Crown, that none of the Clergy,
 “ in their several Jurisdictions, can *Execute*, or
 “ *put in Ure* any such Foreign Canons, until
 “ those Foreign Canons are first receiv’d here
 “ for Laws of this Land by the King’s suffer-
 “ ance, and the Subjects free Consent and
 “ Custom.

II. “ Among the Canons, (1.) *in this Land*
 “ *formerly made*, it abrogates all such as are con-
 “ trary

“ trary either to the Supreme Jurisdiction of
 “ the Crown, or the Statutes, Customs, or
 “ Common Laws of this Land ; and approves
 “ and establishes all the rest, until they be o-
 “ therwise order’d by the Thirty two Persons
 “ there mention’d. And then (2.) concerning
 “ Canons *hereafter to be made in this Land* ; It
 “ submits the whole Clergy unto the Supreme
 “ Jurisdiction of the Crown in these four Parti-
 “ culars :

“ The first is, that the Clergy cannot *make*
 “ any Canons in their several Jurisdictions, but
 “ only when they meet in a Provincial Synod.

“ The second Particular is, that they can-
 “ not meet in a Provincial Synod, until they
 “ be first called thither by the King’s Writ.

“ The third Particular is, when the Clergy
 “ are so met, being so call’d, and have *made*
 “ Canons, that they cannot *Execute*, or *put in*
 “ *Ure*, nay they cannot *Promulge*, or *publish*
 “ any one of these Canons, until those Canons
 “ are first confirm’d by his Majesty’s Letters-
 “ Patents, out of his Supreme Jurisdiction.

“ And the fourth Particular is, that so far
 “ they may go : farther they cannot.

A Treatise of Oaths exacted by Ordinaries, written
 by no Inconsiderable Pen, and one averse to
 the Order, allows the Act to mean no more
 than “ that no Constitution or Ordinance
 “ should be *made*, or *put in Execution* within
 “ this Realm until, &c. †

† P. 54.

And this also is the Abstract which Mr. Bag-
 shaw himself gives of it in that *Argument* of his
 concerning the Canons, which I have already ci-
 ted ; where, we may be sure, he says nothing
 more to the Advantage of the Clergy than he
 needs

needs must: and yet his words are only, "That
" to the *making* of Canons there must be the
" King's Royal *Assent* *.

* P. 12.

Mr. *Beal*, who was Clerk of the Council in
Queen *Elizabeth's* time, a Man knowing in the
Law, and a bitter Enemy of the Clergy, has in
his Manuscript Collections † several Accounts
of the sense of this Statute; but none by which
he in the least supposes the Clergy's Liberty of
Treating, or of doing any thing previous to *En-
acting* a Canon, cut off by it. He liv'd in a
time, when that Interpretation of the Act was
not thought of, nor had the Undue Compliances
of any Convocation as yet given rise or counte-
nance to it. And it may be of moment there-
fore to shew the Reader his Thoughts upon the
Subject from several Passages in his Papers;
such as These.-----

† In Bibl.
Telverton.

" Without the Prince's Writ the Archbishop
" cannot *assemble* any Convocation, or Synod;
" nor *put in Ure* any Canon, therein agreed,
" without her Highness's Sign Manual. *Vol.*
XLIV. f. 51. circit.

" By the Statutes of *England*, no Bishop
" ought, upon pain of Fine and Imprisonment,
" to *Publish* any Decree or Canon, or cause the
" same to be publish'd, and observ'd, without
" the King's especial *License* and *Assent*; which
" hath been used to be done under his hand.
" Whereas the Lord Archbishop of *Canterbury's*
" Articles, Advertisements, Canons, &c. have
" been heretofore *publish'd*, without any such
" *License* and *Assent*, contrary to Law and Cu-
" stom of *England*, and so, by force of the Law
" of *England*, are not to be put in Execution,
" but the Bishops to be punish'd for their Pre-
" sumption

“sumption to the contrary. *Vol. CXXXI. fol. 281.*

* Set out
A.D. 1584

† So indeed the
Title of
those Ar-
ticles
runs, Ar-
ticuli per
Archiepiscopum, Episcopos, & Clerum, &c. *Stabiliti, & Regiâ Auctoritate Approbati & Confirmati.*

“I marvel very much that the Convocation
“dare presume to use these words in the Ti-
“tle, or Forefront of the *Articles* *, viz. *Estab-*
“*lished by the Clergy* ; which do indeed ex-
“pressly import the *Full Strength* thereof, even
“before the Queen’s *Consent* or *Authority* was
“added thereto ; who did but *allow* and *con-*
“firm them all, as they do say therein † : as
“tho’ they themselves were the only Lawful
“*Law-makers* thereof ; whereas that special
“point of Ecclesiastical Authority, is now on-
“ly in the Prince’s power, &c. *Vol. LXX. f. 37.*

27 Eliz. A Complaint against the Clergy was of-
fer’d to the Parliament, of which Mr. *Beal* has
preserv’d a Copy ; and in drawing of which I
doubt not but that his hand was employ’d. One
of the *Items* of it is :-----

“Item, they *Make, Promulge, and Execute Ar-*
“*ticles and Injunctions*, without her Majesty’s
“*Writ, and Royal Assent*, contrary to Two Acts
“of Parliament, 25 H. 8. & 1 Eliz. and con-
“trary to their own Vows, which they have
“made unto Her Highness, and all Estates of
“the Land in *Verbo Sacerdotii*. Ibid. f. 42.

Finally, in a *Common-Place-Book* of his, under
the Title of [*The King’s Authority by the Submission*
of the Clergy] I find an Account of the *Submission*,
and of the Act fram’d upon it, thus enter’d :

“The *Submission of the Clergy*, made, as it ap-
“peareth by the *Instrument*, Dated Anno 1532,
16 May,

“ 16 May, was first, to promise *in Verbo Sacer-*
 “ *dotii*, that they shall not Promulge or put in
 “ Ure any Constitution, unless the Convoca-
 “ tion be Summon’d by the King’s *Writ*, and
 “ the King’s Royal *Assent* [be had] to *Promulge*
 “ the same.-----

“ And for reforming the Canon Law,-----

“ The Statute 25 H. 8. c. 19. *Menſe Martio*,
 “ which was in the Year of our Lord 1533,
 “ confirmeth as much; with a *Proviſion*, that no
 “ Canons shall be made, contrariant, or re-
 “ pugnant to the King’s Prerogative, or the
 “ Customs, or Laws of the Realm. So the
 “ King has Authority,

“ 1. To *Summon* Synods and Convoca-
 “ tions by his *Writ*.

“ 2. By his Royal *Assent* to approve their
 “ Constitutions, before they be di-
 “ vulg’d.

“ 3. With this *Proviſo*, that nothing be
 “ done contrariant, or repugnant to
 “ the Law of the Realm. Vol. CXCIV.

“ p. 21.

Let me add to all these the Authority of the
 Convocation † it self, which set out the *Institution of*
 a *Christian Man*, a few years after they had sub-
 mitted. In the Dedication of that Book the
 Clergy employ’d to compose it, address the
 King after this manner, ----- “ Without your
 “ Majesty’s Power and License we acknow-
 “ ledge and confess that we have none Autho-
 “ rity either to *Asssemble* together for any Pre-
 “ tence or Purpose, or to *Publish* any thing
 “ that

† For such
 Dr. W. Ap-
 peal p. 28.
 allows it
 to be. See
 p. 184,
 185. of
 this Book.

“ that might by us be *Agreed* on, or *Compil’d*. Which words evidently imply a Power of *Agreeing upon*, or *Compiling* (tho’ they deny that of *Publishing*) any Determination, or Doctrine.

And not this *Synod* only, but All those which met for *threescore and ten* years after the Act, bear witness to the Interpretation I have given of it; since the *Practise* of all of them was, to *Treat* and *Resolve* about things subject to their consideration, even about *Canons* themselves, without being *Licens’d* before-hand so to do, any otherwise than by their Writ of Summons. This *Practise* I here assert only, but shall hereafter, in the course of these Papers †, abundantly prove.

† See pag.
394. of this
Book, and
the fol-
lowing
ones.

The Reader will forgive me the laying together such an Heap of Authorities, if he either considers, of how great Importance it is to my Cause, that the sense I have given of the Act should be fully clear’d, or how necessary Dr. W. has made such a Collection by affirming that this sense of it *was never allow’d of, or, for ought he knows, so much as heard of* (I repeat his very words *) till the Gentleman, against whom he writes, *enlighten’d the world with it*. The Accounts I have given do, I hope, sufficiently expose the Rashness and Vanity of this Assertion, and as fully prove the Truth and Justness of the Exposition laid down —

* P. 289.

As to the *Enacting Clause*, I mean, in the Body of the Act: for still a Doubt remains behind, in relation to the *Submission* it self, *Recited* in the *Preamble* of the Act, and according to which this Clause is said to have been *Enacted*. That *Recital* of the *Submission* bears, how the Clergy had promis’d *in Verbo Sacerdotii* not to *Attempt*, *Al-*
ledge,

ledge, Claim, or put in Ure ; or to Enact, Promulge, or Execute any New Canons. Where tho' the words [*Attempt, Alledge, Claim, put in Ure*] are divided from the others [*Enact, Promulge, Execute*] by the Particle, Or ; which is us'd there in a Disjunctive sense, on purpose to distinguish and set apart the Two Comma's of this Sentence, and the Two Sets of Verbs which have place in each of them ; yet All do nevertheless at the end of the Sentence, seem to center in *New Canons*. And should therefore the first Set of Verbs, as imploy'd in the subsequent Clause, (by it self consider'd) be allow'd to belong to *Old Canons* only ; yet that Clause being said to be Enacted according to the *Submission* before recited, the Question still will be, whether by virtue of that Relation they must not be extended to *New* * as well as *Old* ones. This is the only Difficulty that can possibly perplex our Exposition of the *Act* : but there is a Consideration or Two, that will effectually clear it, For,

* Thus indeed Dr. Cosin, (*Apol. for Eccl. Proc.* pag. 4.) seems will-

ing to take it ; in order to answer a Difficulty, by which he was press'd. But, with the Leave of so Great a Name, after a careful Enquiry into the sense of the *Act*, I must be allow'd to say, that it will not possibly bear such a Construction, and that the Objection may much better be accounted for another way.

1. It is to be observ'd, that these words [*according to the Submission*] do not necessarily imply that Clause to have been Enacted according to the *strict Literal Tenor*, but only according to the *Main Drift and Substance* of the *Submission* before recited ; as might be made out by a like use of the Phrase in like Cases, if it were needful to go any further than this very Statute for an

an Instance of it; where we find the same Clause said to be Enacted *according* (not only to the said Submission but also) *the said Petition* of the Clergy *. Which *Petition*,

* *The Words of the Act are, --- Be it therefore now Enacted by the Authority of this present Parliament, according to the said Submission and Petition of the said Clergy.*

we may remember, is that part of the Form recited, that *beseeches* the King to commit the Canons to 32 Persons to be reviewed by them. Now certain it

is that this *Petition* was not in the following Clause Enacted *Literally*, but only as to the Chief *Result* and *Consequence* of it; which was, that, upon the Parliament's accepting this Offer of the Clergy, and Authorizing this Review, the Old Canons should immediately be *suspended* †. And since therefore this Clause is equally said to be Enacted *according to the Submission and Petition* of the Clergy, and yet Enacts the One of these but loosely, and consequentially; it is not necessary that it should trace the other strictly, and in all the Extent of it.

† *This Suspension, or Temporary Abolition was effected by those words in the En-*

acting Clause, That they, ne any of them shall — Attempt, alledge, claim, or put in Ure any Canons.

This Solution would hold, even upon a Supposal that in the Form of Submission recited in the Act, the words, *Attempt, Alledge, Claim, put in Ure*, were necessary to be extended to *New Canons*: But that they are not, appears in the

Second place, from that *History of the Submission* which I have already given. There it has been shewn, how the Two Houses submitted in Two Different Forms; the Upper, thus, that they would not *Enact, put in Ure, Promulge, or Exe-*
cute

cute any New Canons ; the Lower , in these Terms, that they would not *Attempt, Alledge, Claim, or put in Ure ; or Enact, Promulge, or Execute any Canons* : That the *Lower House* us'd indeed all the Verbs recited in that Act, and in the Order that they ly there ; but apply'd 'em only to *Canons in general* : whereas the *Upper House* mention'd *New Canons* expressly ; but promis'd onely not to *Enact, put in Ure, Promulge, or Execute* any such : That upon the Last of these Submissions alone an *Instrument* was fram'd, and presented to the King in due Form of Law ; the Other, being agreed to onely in private by the Lower House, but never solemnly tendered : That the Parliament however, when they came to Enact the Submission, layd hold of Both these Forms, and blended them in One Common Recital ; taking the Verbs as they lay together in the Form of the Lower House, and adding [*New Canons*] from that of the Upper, where it followed the Last of these Verbs ; but without Intentions of applying it indifferently to All of 'em : how could they ? when it is manifest that the Clergy had never beforehand so apply'd it ; and as manifest, that the Parliament did afterwards, in the Body of the Act , separate these Verbs , and apply some of them onely to *New*, and Others altogether to *Old Canons*. Unless therefore we will suppose the Act of Parliament (of which, says the Law, nothing dishonourable ought to be suppos'd) designed to mislead us into Apprehensions that the Clergy in their Submission *had* us'd all these Verbs of *New Canons*, when they really *had not* ; we must allow that it intended only to employ the Latter Verbs to this purpose

E

pose, tho' in the Course of the Recital the Former also may seem to referr to it: In which Recital the Parliament might think that there was so much the less Need of Exactness, since, in the Body of the Statute, which alone was Binding, they had taken care so clearly to distinguish these Verbs, and their Relation, as to leave no Room for a Mistake in the Application of them.

Indeed this Confusion in the Recital was Unavoidable, if the Parliament intended to take notice of the Form in which the Lower, as well as of that in which the Upper House submitted, and to joyn together all the Words us'd by Either in the case, which, when thus joyn'd, could truly be apply'd to Neither. And some Hint of this Mixture seems to be given, where, in the Entrance of the Statute, the *Submission*, as recited there, is said to have been made *by the Clergy of the Realm*, not by the *Prelates and Clergy* (the Usual Style); which would have imply'd the same Form to have equally pass'd Either of them: But *by the Clergy* in gross; that is some of it by one part of them, and some by another. And with this View, that Passage in the *Petition* of the Lower House 1 E. 6. may be more Proper than I have sometimes thought it, where the *Clergy of the Realm* are said to have *submitted in a certain Statute*, according to the Form here recited: And indeed according to this Form the whole Body of them never *submitted*, but in the *Statute* onely; there being no Draught of a *Submission* ever *made*, much less *offered* by them, wherein they in Terms promis'd not to *Attempt a New Canon*: the Word, *Attempt*, in the Last
Unpre-

Unpresented Draught of the Lower House, (where alone it was us'd) having place there, purely in relation to the Old Body of Canons already fram'd.

And therefore in the Exactest Accounts that have been given of the *Submission* of the Clergy [while it was yet a *Promise* onely, and before it came to be *Enacted*] there is no mention of their being excluded from *Attempting*, or *Treating* about the *Matter*, or *Form* of a Canon. I have given One Instance of this kind already from Mr. *Beal's* MSS. Collections *, and shall here add several others. * See p. [123.]

Archbishop Parker, in his *Antiqu. Ecclesiæ Britannicæ*, sets down this short Summary of it. *Totus in Synodo Clerus in Verbo Sacerdotii fidem dedit, ne ullas deinceps in Synodo ferrent Ecclesiasticas Leges, nisi & Synodus Authoritate Regiæ Congregata, & Constitutiones in Synodo Publicatæ eâdem Authoritate Ratæ essent* †. And in this Exposition he is constant; for again, in another place, he thus expresses himself; *Postquam Clerus in Verbo Sacerdotii Henrico Regi promississent sine Authoritate Regiæ in Synodo se nihil decreturos* *. † P. 326. * P. 339.

With this agrees my Lord Herbert's Abstract of the Submission, where he says; that in it they promised for the future to make no Constitution, nor execute any without the King's Leave *. To the same purpose my Lord of Sarum; They promised in Verbo Sacerdotii, that they would never Make, nor Execute any New Canons or Constitutions without the Royal Assent to them .:; .: Vol. 1. and before this, pag. 113. of the same Volume, P. 147. They promise for the future not to Make, nor Execute any Constitution without the King's License. The

Use I would make of these Passages is, to infer, that None of the Writers of them thought the Clergy restrain'd by this Submission from any Debates, or Resolutions, which were previous to the *Establishing* a Canon: for otherwise, they would not, in their Accounts of it, have omitted this Particular, which was above all others, to be taken notice of.

And the Judgment of these Persons is the more to be depended on, because the First of the Three liv'd at the Time of the Submission, and must have been well acquainted with the Sense then given it; the Second was a Layman, and thought to have but little Regard for the Priesthood; and the Third, tho' of the Clergy, yet is observ'd throughout his Works, wherever the Interest of the Order is concern'd, to be under no Degree of Partiality towards them.

Upon the Whole it appears that the Statute of Submission (as far as the *Legislature* of the Clergy is concern'd in it) does plainly imply no more, than that their Canons should not from thenceforth Pass and become Obligatory, without the King's Assent and License given in that behalf; without his *Assent*, which is now requisite to their *Passing*, and his *License* by which they are further to be *Promulg'd* and *Executed*. And to understand the words of the Law otherwise, is, as has appear'd, to understand them against all Propriety, and the Rules of Construction; and, which is still more unreasonable, to do this in *Materia minus favorabili*, and where Ordinary Liberty is abridg'd; and lastly, which is intolerable, where so grievous a Penalty as that of a *Præmunire* is to follow.

Pag. 116. l. 25. after these words, yet it was never till --- add these, instead of what follows there --- "now known that a Convocation was adjourn'd, on and on, for large spaces of time, even before it sat; that is indeed, before it was, properly speaking, a Convocation.

P. 176. l. 31. after the words, *subscribing it* -- place this passage, instead of what follows there. "Indeed no Abbats, or Priors signing in the Upper House and no Deans, under that denomination, in the Lower; one would think, that it was not an Act of the Body, but of a Committee only appointed for that purpose: and Archbishop Cranmer's words may seem to look no further than this, where he call this meeting, *Eruditissimum Concilium Archiepiscoporum, Episcoporum, ac aliorum doctorum Virorum*

bujus regni de rebus Religionis consultantium *.

However, the Consent of a Convocation must have been had to this Committee: for Heylin, who had the Opportunity of Examining their Registers, speaks every where † of this Book as authoriz'd by them; and of these Twenty five, as subscribing it in the Name of all the rest of the Members. Indeed, that it had the Authority of more than sign'd it, is manifest from the Dedication it self; which runs in the Name of

Archebyssshops, and all other the Byssshops, Prelates, and Archdeacons of the Realme. The Relation of Fox ||, who liv'd near the time, falls in with this account; for he styles the Meeting, wherein this Book pass'd, more than once, a Convocation. However, if neither his, nor Heylin's word may be taken for it, yet Dr. Wake's, I hope, may: And he, in his Appeal, * calls the Clergy's

* In a Mandate to the Deans of his Peculiar Jurisdiction.

10 Sept. 1537. M. S. † Miscell. Tracts, p. 11. and p. 549.

|| Vol. 2. p. 503, 4, 5, &c.

* P. 28.

Dedication of this Book *an Address of the Convocation to the King* ; and says, it was *Subscrib'd by both Houses*. And the *Letter to a Member of Parliament*, (*Pag. 49.*) if that be worth mentioning, speaks the same Language.

P. 183. l. 20. after the words, *and Civil*, add, " One of the known allowed Methods of the Canon Law, in Elections, is, to proceed *per Viam Compromissi*, that is, by delegating the Power of the whole Body of Electors to a Few of them, whose Votes are to conclude the Rest: which is just the case of impowring a Committee of Convocation to act for it, as in the name of it.

P. 184. l. 3. add, --- " In the *Submission-Act* the Authority of the Three Estates is delegated to a Committee of Thirty two, made up of Sixteen of the Spirituality, and Sixteen of the Temporality, who were to compile a Body of *Canons*, and, with the King's Assent, to give them the force of *Laws*, without further recourse to the Legislature.

P. 185. l. 1. instead of the *Paragr.* beginning with these words, *This was done* --- and ending, --- *the Year afterwards* --- place this which follows.

* So it is
styl'd in
Bonner's
Reg. f. 48.

In which Order, or *Injunction* * indeed the King's Authority only is mention'd ; but in the Title of the Book it self, set out that Year, the Clergy are said to have concurr'd to it : for thus it runs, --- " An Exhortation to Prayer, thought meet by the *King's Majesty and his Clergy* to be read to the People in every Church afore Processions.

" A Litany with Suffrages to be say'd or sung in the time of the said Processions.

" *Lon-*

Books authoriz'd by the K. and his Clergy. 55

" *London.* Printed by *Rich. Grafton* for *Th. Berthelet*, Printer to the King's Highness. The XVI. of *June* 1544. Which was but five days

* after the Date of the King's *Injunction* for the use of these Prayers : and the Book it self therefore with this *Title* must have been in the Press, and consequently have pass'd the Clergy, when the *Injunction* issu'd. Indeed by the Act 34, 35 H. 8. c. 1. every Printer who publish'd any Book, containing matters of Religion, was bound to put the Superscription and Subscription in this forme, that is to say : by the King and his Clergy. Which implies, that every such Book was in course to pass the Clergy : for surely the Parliament would not Enact that That Title should be set to a Book, whether the Clergy had any thing to do in composing it, or no. My Lord of *Sarum* in a large Abstract he gave us of the Act † forgot this Particular : for he makes the Sense of the Clause I have produc'd, to be only, that " No Books were to be printed about " Religion, without the *King's Allowance*.

P. 230. between the first and second *Paragr.* add what follows. " That the Archbishop might be the more ready to comply with this Summons of his Clergy, it was so fram'd, as not to take in the whole Body of them (for the *Priors*, that presided not over Cathedral Churches, were purposely omitted) ; and it order'd him to call them, tho' to a *Parliament*, yet not till a fortnight after the Temporal Members were to meet. The Archbishop however check'd at this Writ, thus qualify'd, as derogatory to the Priviledges of the Church, and his See, and declin'd obeying it : so that the King was forc'd, sixteen days after, to send him

* The *Inj.*
bore date
June xi. see
Bp. Burn.
in pag. ci-
tata.

† *Hist. Ref.*
Vol. 1. p.
322.

* See it
Appen.
Num.XII.
(b).

† See Pro-
curator.4.
Kal. Dec.
1311. Ap-
pend.
Numb.XI.

* See Ap-
pend.
Numb.
XIV. (a)

* another with an Excuse for the Irregularity of the Former, and a Promise of rectifying it in *Parliament*; which was now put off for a fortnight, that the Archbishop might have Room to summon his Clergy thither: as he did (but by what Form, I have not found); and they made their Proxies †, to appear for them in it.

P. 231. l. 18. after the word *belongs*, add;
“ It was follow’d by a Second Petition, from
“ them, two days afterwards, which shews, that
“ the Archbishop upon their Application, had
“ given them their choice either to act upon
“ the Present Summons, or to disperse and
“ expect a New one, made out in due form;
“ and that they embrac’d the last of these Pro-
“ posals, and went home for that time, with-
“ out doing any thing*.

P. 239. l. 3. after the words, *contended about*,
instead of what follows there, add, --- “ and of
“ dropping by degrees, (as they did after-
“ wards, some sooner, some later) the Instru-
“ ments of Proxy, which they fram’d in Obe-
“ dience to the Lay-Summons.

P. 240. l. 32. after the words, “ *a new Par-*
“ *liament summon’d*, add, “ and sitting for any
“ time, without, &c.

P. 255. l. 4. after the words, “ *it was pra-*
“ *etis’d*, instead of what follows, add, “ *A. D.*
“ 1330. 4 E. 3. where he will observe also
“ how the Archbishop had by this time dis-
“ engag’d himself from paying a strict Obe-
“ dience to the King’s Writ, as to the Punctual
“ *Time and Place* which it mention’d.

P. 255. *dele* l. 19, 20, 21, 22, 23, 24.

P. 258.

P. 258. l. 34. after the words, *and still*, add,
“ whenever they went out, the Convocation, &c.

P. 260. at l. 23. add, in the Margin, — Except in the Instances of the Collegiate Churches of *Westminster* and *Windsor*, &c.

P. 264. l. 25. place these words in the Margin, — Except perhaps at some *Extraordinary Juncture*, when the Public Circumstances sufficiently account for such an Omission.

P. 265. l. 1. after the word, *meet*, add,
“ Time after time.

Ibid. at the bottom of the Page, instead of what is in the Margin, place these words;
“ There was indeed an Irregularity practis'd,
“ at the entrance of this Convocation of which
“ we shall find very few Instances ---.

P. (278) in the Margin, at l. 12. add, -- Another Instance we have in Archbishop *Laud's* Diary, at *March* 29. 1626. The Business of Bishop *Goodman's* Lent-Sermon before the King being then debated in Convocation.

P. 274. for l. 25. put this --- “ Justices of
“ Peace in the several Countys.

P. 276. l. 2. correct that Passage thus,
“ Dr. *W.* may be pleas'd to answer this Question at his Leisure, and withall to add this
“ to the Late Meditations he has afforded us
“ on this day. His Function, &c.

Ibid. l. 27. after the words, *Years past*, change what follows, thus, --- “ with divers Exceptions indeed to the Contrary in the Elder Times; however, with none ---

P. 336. *dele* Paragr. beginning with the words, --- *In a Statute*, &c.

P. 341. l. 32. at the word *Existentes*, add in the Margin, --- “ This word, *Existentes*, refer-
“ ring

“ ring evidently to the word, *Prælati*, that
 “ comes first, and to *Communitates*, that comes
 “ last, must belong also to the word, *Clerus*,
 “ that comes between them.

P. 382. l. 23. instead of the Paragr. beginning, — *It is true, (and Truth being, &c.)* and what follows to that Line in p. 383. which begins thus, [*L. M. indeed ———*] Place this Passage. It is true (and Truth being the only thing I seek, I shall not conceal it) that in the Queen's Ratification of these Canons (the Form of which, since the first Edition of this Book, has happily fallen into my hands) there are these words. —

Cúmque prædictus Archiepiscopus, Episcopi, & reliquis Clerus in dicto Breui mentionati juxta Tenorem ejusdem Brevis convenerint diebus & locis ad hoc ipsum juxta Breve prædictum designatis, ibique inter se certa quædam Capitula sive Constitutiones ad rem Ecclesiasticam imprimis pertinentia ex nostrâ Licentiâ tractaverint, ac de & super eisdem consenserint, eaque Nostræ Regiæ Majestati humiliter obtulerint, petentes, ut Nos, &c. Which, at first sight, may look like a Proof, that That Assembly treated by some such *License in Writing*, as the subsequent Convocation did. But,

I. Should we take the words as they sound, we need not allow them to mean so much as this comes to. All they can fairly be pretended to imply, is, that there was a *Verbal Leave*, or *Message* from the Queen to 'em, importing her Consent to what they were about to do. And if so, this might be no more than an *Intimation* by the *President*, in the *Speech*, with which he open'd the Meeting; and in which, the usual way was for him to declare the *Special Intents*

and

and Purposes for which the Queen, on her part, assembled them; in like manner as the Chancellor did in Parliament. Had a more Formal License than this issued in Writing under the Great Seal, or sign Manual, or any other way, it would have been spoken of, as such; the Date of it would have been specify'd, as that of the Writ of Summons is, in more places than one of this Instrument; and as the Licenses of 1603. and 1640. are mention'd in the Ratifications of the Canons of those several Years. Besides, such a License, or a Note of it, at least, would have been enter'd either at the Privy Seal, or in the Council-Books, or among the other Records of the Crown; in none of which is there any the least footstep of it. But that the words recited must mean even somewhat less than this, and were no ways intended to imply that any sort of Leave, whether Verbal, or Written, was given to the Convocation, after its first Meeting, will appear if in the

2d place, we consider and compare the several parts of the Instrument together. The Preamble runs thus. *Regina omnibus ad quos, &c. Sal. Cum nos Authoritate nostrâ Regiâ per Breve nostrum Reverendissimo in Christo Patri, Joh. Arch. Cant. directum, gerens datum 23. die mensis Augusti anno regni nostri 39, dicto Arch. mandaverimus, eidemque Licentiam concefferimus quod convocari faceret singulos Episcopos suæ Provinciæ ac Decanos Ecclesiarum Cathedralium, nec non Archidiaconos, Capitula & Collegia, totumque Clerum cujuslibet Diocesi. ejusdem Prov. ad comparandum coram eo Locis & Temporibus in dicto Brevi expressis ad tractand', consentiend', & concludend' super quibusdam Arduis & Urgentibus Negotiis in dicto Brevi mentionatis.*

natis.---Here, we see, the King's summoning Writ is said to be a *License* to the Archbishop, to call his Clergy together, *ad tractandum, consentiendum, & concludendum*; and then it follows, as before---*Cumque prædictus Arch. &c. certa quædam Capitula, &c. ex nostrâ Licentiâ tractaverint, ac de & super eisdem consenserint, &c.* that is, by that *License* which was granted to them in their *Writ of Summons*; two of the Impowering words of which [those of *Treating*, and *Consenting*] are here repeated, to shew, that the Powers contained in their Writ were their *License* and *Warrant*. And this is more plainly asserted afterwards, where, in the *Title* of the Constitutions recited, they are said to have been *juxta formam Brevis prædicti tractatæ*. This is what, upon a careful perusal of the Words, I take to be the plain Construction of 'em: However, that the Reader may judge for himself, I shall place the Instrument at large in the *Appendix* *.

* Numb.
XXIV.

Mr. *Selden*, it is plain, understood this Form no otherwise than I have done, for among some Manuscript Collections of his, I find a *Memorandum* thus enter'd.

Lib. Convocat. ab Anno 1584. usque, &c. 1597. fol. 195. "The Queen's Letters-Patents to
"confirm the Canons, a Recital of the Writ,
"of their Desire, the Canons Confirmation,
"tion, and a Command to have them observ'd
"in both Provinces.

Here he gives us a very Exact Account of what is contained in these Letters Patents; *first* a *Recital of the Writ*, then of *their Desire*, i. e. of the Clergys *Petition* to the Queen for her Assent: The *Canons* themselves follow, and after them, the Queen's *Confirmation*; and last of all, her
Royal

Royal Command to have them observ'd in both Provinces. These are really the several Constituent parts of that Instrument as the Reader upon a View of it, will find: and the use I make of this is, to observe from hence that Mr. *Selden* mentions no *Recital* of a *License*, distinct from the *Writ*; because he knew very well, that the *Writ* and the *License* were the same: and so they must appear to be to every Man that reads the whole Form over with Care and Judgment.

These *Letters Patents* then are so far from affording an Instance of the practice of a *Formal License*, before the Reign of King *James*, that they are on the contrary, a clear proof of what the *Letter to a Convocation-man* truly affirm'd *, * P. 57. that the *Writ of Summons* it self is, and was formerly held to be, a sufficient *License*, for the Clergy's *Treating* and *Consenting*, I mean, but not for their *Concluding*; this last word being capable of a sense somewhat a kin to that of *Enacting*, which, by the 25 H. 8. without a special Warrant from the Crown, was Criminal: and we may observe therefore that the *Writ* is vouch'd, in this Instrument, as a *License* for the two first of these, but not as to the Latter; for after it is said---*Cúmque prædictus Arch. &c. certa quædam Capitula, &c. ex nostrâ Licentiâ tractaverint, ac de & super eisdem consenserint*--- it follows (not, that they had concluded also upon them, but only) *eaque nostra Regiæ Majestati obtulerint, petentes ut Nos eisdem Capitulis Assensum nostrum Regium præberemus*---. They could Offer, what they had *Treated* of, and previously agreed upon to the Queen for her *Assent* and *Approbation*; and that obtain'd, could then, and not till then, finally *Conclude* upon it, so as
to

to make it the Publick *Act*, and to give it the *Authority* of the *Body*. And had we the Form with which these Canons were by the Clergy presented to the Queen, I question not but that we should find in it Words that imply'd a *Suspension* of their *Full* and *Final Agreement* to them, till the Queen's Pleasure should be known. But this Form, together with the Original Book of Canons, and the Registers of Convocation, I fear, has perish'd.

The Method therefore now pitch'd upon by the Clergy was, first, to consider among themselves what was fit to be *offer'd* to the Queen, in order to have power from Her to *Enact* or *Pass* it: which was strictly according to the Statute, that forbade them to *Enact*, *Promulge*, or *Execute* unless they might have the *Royal Assent* and *License* to *Make*, *Promulge*, and *Execute* the same; the *Royal Assent* to what they *propos'd*, and the *Royal License* for their *Enacting* or *Making* a Canon upon it. But these restraining words left them still at Liberty to do every thing previous to *Enacting*, even without the Royal Concurrence; and in the possession therefore of this Liberty they preserv'd themselves. But after the Queen's leave to *Enact*, it was further requisite by the Statute, that there should be her *License* also for the Clergy to *Promulge* and *Execute* what they had so *Enacted*: the *Promulgation* it self being suppos'd to be done by the *Authority* of the Clergy; only a *Leave* from the Crown was made necessary in order to their doing it. And in this respect also, as I apprehend, that Statute was strictly kept to, in the former Convocations of this Reign: but now the Clergy thought fit to vary from it; and having, by
the

the Queen's *Leave*, pass'd their Canons finally, left it to Her afterwards to *Promulge*, and command the *Execution* of them ; as judging this Act more properly to belong to the Royal Authority. So that in the course now taken there were on the part of the Convocation, two distinct Actions, or steps of proceeding ; the first, that of *Deliberating* and *Resolving* upon what should be propos'd for the *Royal Assent and Licence* ; the second, that of resuming the Deliberation concerning what had been propos'd, and of *Constituting, Enacting, or Passing* it. And to these there answer'd, on the part of the Crown, the *Royal Assent* to their Proposal, together with *leave to Constitute* ; and the *Royal Ratification and Promulgation* of it afterwards, when constituted. These steps were distinctly made now in the Latter End of the Queen, but brought into One afterwards, at the beginning of King *James* (whether for speedier Dispatch, or for some other Reason, I shall not determin) ; the *Royal Licence* being then granted, before any *Request* made by the Clergy, and the Canons Thereupon finally treated on and constituted by them in the first Instance ; without any such *Preparative Debates and Proposals* as their Predecessors thought fit to practise, in order to preserve a Distinction between the Powers that were left by the Act in the Clergy, and those that were lodg'd in the Crown ; and to shew, how far the *Ecclesiastical Authority* operated separately, and of it self, towards the *Enacting or Making* a Canon.

E're I dismiss this Instrument, I shall observe yet one thing more upon it to the Reader ; that the Title * of the Canons, as it lies there, differs from the Printed one. However, that Difference

is

* See it, in
the Instru-
ment.
Append. N.
XXIV.

is not Material; for both of them make equally for the Clergys Right of *Treating*, without a Commission, and both of them doubtless had Authority of Convocation: Only in that, with which they were offer'd to the Queen, the Clergy thought fit to be more Accurate and Full than in the other; and to express in it all the steps that had been taken, all the Circumstances, and Forms that had been observ'd in drawing them. And it is some Improvement of the Argument rais'd from the *Title* of these Canons, that tho' it was twice drawn, and worded in two very different manners, yet neither of them were so contriv'd, as to favour that Doctrine, which makes a *License under the Broad Seal*, upon the foot of the *Submission-Act*, necessary even to the *treating* about the *Matter* of a Canon. On the contrary, in the *Patent Title* it deserves our Notice, that the 25 *H. 8.* is mention'd, on the account only of the *Queen's Assent* given to the Canons when drawn; not at all in relation to the *License* they had previously to *Treat* upon and *Consent* to such Draughts; which is founded purely upon their *Writ of Summons*. And this Distinction we shall find to have been nicely observ'd afterwards even in the Ratifications of the Canons of those Convocations which took out Commissions to treat; where the King is

* See the Ratification of the English Canons, Printed in 1604; and that of those in 1640. Sparrow, p. 337.

constantly said * to have empower'd the Clergy to *Debate, Confer, &c.* by vertue of his *Prerogative Royal*, but to have given his *Royal Assent* and *Autho-*

thority to the Canons, when drawn, according to the *Form of an Act of Parliament* provided in that behalf. But of this, in its proper place.

I have

I have argu'd from the *Inscription* of these Canons in 1597. with the more assurance, because our Adversaries in the next Instance allow this sort of Argument to be good ; when they produce the Title of those in 1603. as a sufficient Proof, if all other were wanting, that That Synod had a *Commission to treat*: We own it had ; and it is the First Synod that ever had one from the 25th. of H. 8. down to that time.

P. 385. l. 29. after the words, "*Two Months afterwards*", instead of the five following Lines, place these : " Indeed the Royal Power at this time exerted it self in a very extraordinary manner, with regard not only to that *Convocation* of 1603, but even to the *Parliament* it self, with which it sat. For on Jan. 11. before the Parliament met, a *Proclamation* came forth directing the *Electors*, what sort of Men they should return Members ; and the *Sheriffs*, to what Burroughs they should omit sending their Precepts ; under the *Peril of the King's Heavy Displeasure*. I have the Proclamation now by me ; but it being large, and not relating directly to the Subject of this Book, I shall not swell the *Appendix* with it.

P. 389. l. 11. after the word *Proceedings*, add these following : " Besides the Clergy were Now in as bad Terms almost with the *House of Commons*, as their Ancestors had been when they submitted ; a Grievous Complaint being sent up against them from that House to the Lords, soon after the Meeting of the Parliament : and they had no way of sheltring themselves from the Displeasure of that Body, but by the means of the *King*, nor any such Effectual Method of making Him Thoroughly their Friend, as by doing Homage to his Prerogative.

P. 390. l. 4. after the word *Commission'd*, add,
The King himself sent Business to them that re-
quir'd a speedy Dispatch, † long before he sent them his
License, and was a Stranger
therefore to that Doctrine,
which makes the Clergy inca-
pable of all Sort of Business,

† March 30. 1604. *The King's
Letters to the Conv. to hasten a Col-
lection for the Town of Geneva.
This was a full Fortnight before
their License was sent them.*

till they are thus Licens'd. Indeed this is so far
from *being*, or from *having been thought to be*, the
Case, that No Convocation, even after this Ill
Pattern set, did ever, I believe, accept a Com-
mission to Treat, but in order to *make Canons*,
or to do some other *Church-Work* of an *Extraor-
dinary* Nature. As for all the Other Synods,
which had nothing of this kind upon their
Hands, they met, and acted with every Parlia-
ment in Numberless Instances, without dream-
ing that they wanted a Commission to warrant
them. And had not this Synod been to compile
a Body of Canons, they would not, Tame as
they were, have ask'd, or accepted a License,
because they could not but have been sure that
they needed none. * It does not appear that the
Grant of this License, as far as the Clergy's
Power of *Treating* is concern'd, was really found-
ed on that Statute. On the contrary, it is cer-
tain that it was not founded on Those Words
of it, *which are* suppos'd most to affect their Li-
berty of Debate, the words *Attempt, Alledge,
Claim, and put in Ure*; because in the *Recital* of
the Act, at the Entrance of this License, those
Words are purposely omitted, as no ways rela-
ting to the Clergy's power of framing *New Ca-
nons*: and not in *This License* alone, but in *all*
the succeeding ones that ever were granted;
None of which recite any other Restraining
Words

*Ibid. l. 26.
instead of
the words,
it does
not ap-
pear, &c.
to the end
of the Pa-
ragr. place
the follow-
ing Pas-
sage. "It
does not,
&c.

Words from the Statute, but *Enact*, *Promulge*, and *Execute* only ; not even *That* Commission it self which went out in 1689, and which abridg'd the Clergy more than All that went before it. However, supposing the *License* founded on the *Act*, in respect of the *Liberty of Treating*, there pretended to be granted ; yet must we consider in the

P. 392. after l. 8. add, What I offer would sufficiently account for the words [*Regiâ Autoritate tractati & conclusi*] supposing them to refer altogether to the Commission under the Broad Seal. But it is reasonable to believe, that they are used as well in respect of the *Writ*, as the *License* : for the *Writ*, as we have heard, summon'd the Clergy *ad tractandum & ---concludendum* ; and the Canons therefore which They, when met, drew up, are properly said to have been *tractati & conclusi ex Autoritate Regiâ*, even with regard to the *Authority* which they had to this purpose from their *Writ of Summons*. And this account is the rather to be accepted, because I have shewn, that in the *Ratification* of the Canons of 1597, the *Writ* of Summons is mention'd as a *License*, is referr'd to as such by the Clergy, and allow'd to be such by the Crown : and therefore the *Inscription* of These Canons also may very well be suppos'd to have an Eye to it. But it was observ'd, that tho' the *Writ* in 1597 Summon'd *ad tractand', consentiend', & concludend'*, yet it was vouch'd, as a *License*, in respect only of the two first of these, the *Treating*, and *Consenting* ; it being doubtful whether the Submission-Act had not cut off the Clergy from *Concluding*, without a New Leave from the King : and therefore Here also somewhat of the same Caution is observ'd ; the Canons be-

ing said to have been *ex Autoritate Regiâ tractati & conclusi*, without specifying what Authority was particularly meant; whether that of their *License*, or that of their *Summons*. By their *Summons*, it was certain, that they had Power to *Treat*: but whether it gave them leave to *Conclude* also (as that word might be understood) was questionable: and therefore they express'd Both these Acts in a Word that took in Both these Powers, and affirm'd themselves to *Treat* and *Conclude* by the *King's Authority* in General.

This was in the *Latin Copy*; but in the *English Title* of the same Canons, they speak more explicitly and distinctly, and leave no Room for a Cavil: for thus it is worded.

P. 410. l. 16. after the words, "*without respect unto the Latter* — add,

* Except in
the word
consenti-
ente.

It is true, the several MSS. Copies of the Tables I have yet met with, read them, as in the Print*: But the reason of that might be, because they were taken all about the same time, the time of the Synods Session, when the New Method of 1603 was set afoot; and when the Whole Ecclesiastical Polity coming to be settled, these Tables, which for some Years had been in few hands, were, we may presume, much sought after, and many Transcripts of them taken at once: And if Any of these were alter'd, in order to be brought nearer to that New Method, 'tis no hard matter to imagin how the same Alteration might prevail in the Rest also. However, the Consent of three Copys (for so many, and no more I have yet heard of) is, I own, a Prejudice of weight against the solution advanc'd; and will continue such, till some other Copy can be produc'd, where the words are differently read. And therefore, allowing the Position,

tion, as now Printed, to be of Dr. *Cosin's* own drawing, yet still it will be no clear Testimony against us, because it is capable of a Construction, that falls in with the Practice which obtain'd in his time, and of which I have already spoken. There was Then, as has been observ'd, a Double *Tractatus* about any thing to be Ordain'd in Synod; One, *ad proponendum Regiæ Majestati*; the other, after the Queen's Assent obtain'd, *ad Decernendum & Constituendum*; in like manner as these two sorts of Debate are still distinguishable in Parliament: where there is, we know, a *Preparative Debate* about bringing in, wording, and modelling a Bill; and after that a *Final and Peremptory Debate*, whether it shall Pass. Of this last sort of *Treating*, Dr. *Cosin* may fairly be understood: which indeed is the only one, that is properly *Synodical*; the first being Novel, and Foreign. And with this Interpretation the Phrase, *consulto Principe*, (which is the True Reading) intirely agrees; it implying a Previous *Synodical Debate* about Canons, e're the Prince was consulted; for how could the Synod consult him about That, of which they had not beforehand consulted among Themselves? Accordingly I observe, that where this Phrase of consulting the Prince occurs in the Acts of those Convocations that were before Dr. *Cosin's* time, not only a Debate about the Matter to be propos'd, but even a Draught of that Matter into Heads had preceded; as appears from these Instances following.

Act. MSS. Conv. inceptæ Jan. 20. 1541. Feb. 24. The Prolocutor brings in *Capita quorundam Decretorum contra Blasphemos, Perjuros, & Furantes per Deum & ejus Sacrum Nomen. Quibus Lectis, visum est Reverendissimo & reliquis Patribus consulere Regiam Majestatem in hac parte, quid sit statuendum.* Mart.

Mart. 17. *Reverendissimus cum Patribus legebat Tres Schedulas, unam de Illegitimis contractis Matrimonii, &c. super quibus duxerunt Regiam Majestatem consulendam.*

Upon the Terms therefore even of this Decision of Dr. *Cosin*, if indeed it were his, the Convocation is supposed to have an Original Right of Treating *de Consulendo Principe*, and about every thing that was a necessary step towards such an Application, *i.e.* of treating *Preparatively*, in order to *propose*, that so they might obtain a further leave, of treating *Finally*, in order to *Decree*.

Ibid. lin. penult. change the Paragraph, that begins there, thus. "The *Resolutions* of the *Judges* 8 *Jac.* in my Lord Coke's Twelfth Report, * carry indeed a greater Weight with them, if we could be sure they were *Theirs*, and given us exactly as my Lord Coke left them; which, considering the Time and Circumstances, in which this *Report* was publisht, is more than we can well be sure of: for it came out, as the *Tables* did, not till several Years after the Author was in his Grave, and in such a Juncture, when the Doctrine thought to be laid down there was sure to be welcome. Indeed it is worth observing, that our Adversaries have not the least shadow of an Argument to offer for the *Perpetual Practice of a License*, but what is taken from Two *Posthumous* Pieces only. And surely Authoritys from Books that are themselves of disputed Authority will not go far toward clearing up any Controversy. However, supposing these Resolutions Authentic, we may be allowed to suppose further, that the Course which was taken *primo Jacobi*, and which my Lord Coke himself may be presum'd to have directed, had some influence in producing them.

And

* Fol. 71.

And after all, sure we are, that they are so far from opposing the Accounts we have given, that they do, if narrowly lookt into, abundantly justify and confirm them; They are to this purpose.

P. 411. l. 25. after the words, *When upon Conference they conclude*, add, “ which Expression is manifestly design’d to recapitulate what had been affirm’d in the Second Position; as the words [*after their Assembly*] in the Entrance of the Second, recapitulate what had been laid down in the First. And we may observe the Gradation therefore. Three things are there pronounc’d Unlawful to be done by the Clergy, without the King’s License: Without it, 1. They cannot *Assemble*. 2. *When Assembled*, yet they cannot *conferr* to *Constitute* Canons. 3. *When* (they have *conferr’d* to *Constitute*, i. e.) *upon Conference concluded Canons*, yet they cannot *Execute* them. Each of the Two last Propositions takes in the Purport of that which went before it, and adds a New Restriction. Nay, unless by *conferring* to *Constitute*, in the Second Determination, the same be meant as by *concluding upon Conference* in the Third; there is no Branch of this Opinion, wherein a License to *Decree Canons* is declar’d necessary: for in the Second, they will be forbid only to *Treat about Constituting*; and in the Third, to *Execute*. But as to the Synodical Act, which comes between these Two, viz. their *Constituting*, *Making*, or *Final Passing of Canons*; nothing will be determin’d concerning it. Which is Unreasonable and Absurd to suppose: for it makes the Reverend Judges omit the Decision of that Point which of all others was most requisite to be decided, the Clergy’s incapacity of themselves to *Enact*, or *Constitute* a Canon. I submit to the Opinion of their Lordships,

P. 423.

Misprints Transcrib'd by Dr. W.

P. 423. l. 14. instead of, *Rolls of Parliament*, read, *Close Rolls*.

P. 426. l. 10. instead of, *acourse*, read *often*.

P. 428. ad l. 10. add this Marginal Note.

Some of them he was able to see through: for per ann. and interfitis, in the Abridgment, are rightly chang'd by him into per unum, and interfint: but, as to Capellanum, which was the grosser, and more obvious Error, he had, it seems, no Suspicion of it.

Ibid. l. 34, &c. to be chang'd thus. -- "Dr. W. found something in Fuller, which look'd like an Abbreviation of this Word, and took what he found, without, &c. and then add to the Marginal Citation from Fuller, these words, --- "Where it is, Præcores. There are many other Misprints in this Writ of Fuller, which Dr. Wake has, in his Transcript, corrected; to shew us that he consider'd it attentively, and err'd therefore in this Instance out of mere Unskilfulness.

P. 436. read the 3. last Lines thus. "Will amount to about an 100; whereas the Knights, Citizens, Burgessees, and Barons of the Cinque-Ports must have been at least three or four times that Number.

P. 446. *dele* the third Marginal Note.

P. 447. l. 12. read, --- "We seldom find them *Treating* and *Resolving* together in One Body. But when something hapned, that requir'd Joint-Counsels, their usual way was, &c.

P. 480. l. 28. read, --- "Several Writs of the same Nature (tho' not directed exactly to the same Number of Persons) extant, &c.

ADDITIONS

TO THE

APPENDIX.

III.

INstrumentum super Assertionibus
Prælatorum & Cleri Provinciæ
Cant' congregatorum in Convo-
catione, sive Provinciali Concilio
super duabus quæstionibus propofi-
tis ibidem.

IN Dei Nomine Amen. Per presentis publici
Instrumenti seriem Cunctis, & præsertim in
vidiſſimo, metuendiſſimo Potentiſſimo Principi &
Domino nostro ſupremo, Henrico octavo Dei gratiâ
Angliæ & Franciæ Regi, fidei Defenſori, &
Domino Hiberniæ Illuſtriſſimo, Cæteriſque ſui
regni Nobilibus & proceribus appareat evidenter
& ſit notum, quod Anno Domini 1533. Indictione
Sextâ Pontificatûs Sanctiſſimi in Chriſto Patris &
Domini noſtri Domini Clementis diviâ Provi-
dentiâ illius nominis Papæ Septimi anno decimo,
menſis vero Aprilis die quinto, In domo capitulari
Eccleſiæ Cathedralis Divi Pauli London, In noſtro-
rum Notatorium publicorum & teſtium inferius
nominatorum præſentis, Coram Reverendiſſimo
in Chriſto Patre & Domino, Domino Thomâ per-
miſſione diviâ Cantuarienſi Archiepiſcopo, totius
Angliæ Primate, & Apoſtolica ſedis Legato, Præ-
latisque & Clero Provinciæ Cant. tunc & ibidem

APPENDIX.

2

in Convocatione Prælatorum & Cleri dict. Cant. Provincie in prædicta domo Capitulari congregatis & personaliter præsentibus, comparuit personaliter Egregius vir Magister Johannes Tregunwel legum Doctor, à consiliis dicti Domini nostri Regis, ac nomine ejusdem, Nobilumque & Procerum dicti regni Angliæ, eundem Reverendissimum Patrem, ad mandatum illius Illustrissimi Principis, ut asseruit, requisivit, quatenus nobis Notariis publicis infrascriptis mandaret & præciperet quòd Acta originalia in eadem Convocatione habita & facta scrutaremur & Instrumentum vel Instrumenta, unum vel plura, publicum seu publica, de & super compertis in Actis originalibus ejusdem Convocationis, de & super assertionibus & opinionibus dictorum Prælatorum & Cleri, quoad questiones infrascriptas, conficeremus: ad cujus petitionem dictus Reverendissimus Pater Dominus Thomas Cantuariensis Archiepiscopus, juxta & secundum requisitionem ex parte ejusdem Illustrissimi Principis, & dictorum Nobilium & Procerum, ut præfertur, factam, nobis Notariis publicis subscriptis mandavit & præcepit, in Prælatorum & Cleri ejusdem Convocationis tunc & ibidem existentium præsentia (nemine eorundem reluctante, dissentiente aut contradicente) quatenus Acta originalia hujusmodi diligenter & fideliter Scrutaremur, ac de & super compertis in eisdem Actis originalibus unum vel plura, publicum seu publica, Instrumentum sive Instrumenta conficeremus. Quare nos Notarii publici subscripti, mandatis dicti Reverendissimi Patri obtemperare volentes, Acta Originalia in dicta Convocatione nobis præsentibus habita & facta scrutavimus, & per illud Scrutinium comperimus & invenimus, quòd nuper in dicta Convocatione Provinciali Prælatorum & Cleri

Cleri Provinciae Cant. in domo capitulari Ecclesiae Cathedralis divi Pauli London. praenominata quinto die Mensis Novembris, anno Domini 1529. inchoata, & de diebus in dies haecenus continuata & prorogata, Propositae fuerunt duae quaestiones, quarum unius decisio & Determinatio Spectat ad Theologos, Alterius vero ad Canonistas & juris consultos; ut Praelati & Clerus antedictus easdem quaestiones cum maturâ deliberatione pro veritate in hac parte eruenda & habenda, quatenus ad eorum facultates respectivè attineret, diligenter examinarent, & opiniones suas quid ipsi de & super eisdem sentirent, ostenderent, & declararent. Prima vero quaestio ad Theologos pertinens talis est. An ducere uxorem cognitam a fratre decedente sine prole fit Prohibitio Juris Divini indispensable a Papâ? Ad quam, post nonnulla argumenta & disputationes hinc inde per Praelatos & Clerum praedictos diversis & separatis diebus habita & facta Praelati & Clerus antedictus, existentes Theologi in numero sexaginta sex † personaliter tunc & ibidem praesentes, habentes etiam procuratoria Episcoporum Abbatum, & aliorum Praelatorum & Clericorum absentium ad numerum centum nonaginta septem (quibusdam numero novemdecim duntaxat exceptis) asseruerunt casum hujusmodi de jure divino esse indispensabilem per Papam, prout ex Actis originalibus in Registro dictae Convocationis remanentibus plenius liquet. Secunda vero quaestio ad Canonistas & Juris consultos pertinens est haec. An Carnalis copula inter Illustrissimum Principem Arthurum & Serenissimam Dominam Katherinam Reginam ex propositis, exhibitis, deductis & allegatis sit sufficienter probata? Ad quam Praelati, & Clerus, Canonistae & juris consulti personaliter in dicta

† 75 is the number in the Instrument mentioned by Anth. Harmer. p. 193, 4.

dictâ Convocatione presentes, & numerum quadraginta quatuor facientes, quorum unus etiam habuit procuratoria pro tribus Episcopis tunc absentibus, (quinque aut sex duntaxat exceptis) affirmarunt se sentire ex propositis & exhibitis coram eis in Convocatione prædictâ, Carnalem copulam inter dictum Illustrissimum Principem Arthurum & Serenissimam Dominam Katherinam fuisse & esse sufficienter probatam, prout ex Actis originalibus in eadem Convocatione & nobis Notariis publicis subscriptis presentibus, habitis & factis, manifestè liquet & apparet. Super quibus omnibus & singulis prædictus egregius Vir Magister Johannes Tregunwell nomine quo supra nos Notarios Publicos subscriptos unum vel plura publicum seu publica Instrumentum sive Instrumenta exinde conficere requisivit. Acta fuerunt hæc omnia & singula, prout supra scribuntur & recitantur, sub Anno Domini, Indictione, Pontificatu, Mense, die, & loco prædictis, presentibus tunc ibidem Magistris Willielmo Brettein utriusque juris & Johanne Barber legum doctoribus, testibus ad præmissa vocatis Specialiter & rogatis.

Et ego Willielmus Potkin Clericus Cantuariensis Dioceseos, publicus autoritate Apostolicâ Notarius, quia requisitioni & petitioni dicti Viri Magistri Johannis Tregunwell, supradictique Reverendissimi Patris mandato & præcepto, Nec non Actorum originalium, de quibus superius fit mentio, Scrutinio, Caterisque præmissis, dum, sicut præmittitur, sub Anno, Indictione, Pontificatu, Mense, die, & loco prædictis agebantur & fiebant, una cum prænominatis testibus, qui tempore requisitionis & petitionis presentes fuerunt, præsens personaliter interfui, eaque omnia & singula sic

A

fieri

feri vidi, audiui, & inactitavi: Ideo hoc Præfens publicum Instrumentum manu alterius, me aliunde occupato, scriptum exindeque confectum subscripsi, publicavi, & in hanc publicam formam redegi, ac signo & nomine meis solitis & consuetis signavi, rogatus & requisitus, in fidem & testimonium præmissorum. Et ego Johannes Hering, Et ego Thomas Argall, &c.

IV.

**The Clergy's Grant of 100000*l.* to
the King, for Release of the Pre-
munire.**

EXcellentissimo & Illustrissimo Principi & Dom. nostro Dom. H. VIII. D. G. Angliæ & Franciæ Regi, Fidei Defensori, & Domino Hyberniæ Inuictissimo & Potentissimo, Willielmus Permissione Divinâ Cant. Arch. totius Angliæ Primas, & Apostolicæ Sedis Legatus, Sal. in eo per quem Reges regnant & Principes dominantur. Vestræ Regiæ Celsitudini per præfens publicum Instrumentum, sive has Literas Testimoniales, Sigillo nostro Sigillatas, ac Signo, Nomine, & Subscriptione Manûs Publici Notarii subscripti, Scribæ nostri in hac parte assumpti subscriptas & signatas tenore præsentium significamus & notum facimus, quod Nos Willielmus Archiepiscopus prædictus, ac Suffraganei Nostri. ceterique Prelati & Clerus nostræ Provinciæ Cantuariensis, in sacra Synodo Provinciali sive Prelatorum & Cleri Prov. ejusdem

ejusdem Convocatione in Eccl. Cath. D. Pauli London 5 Die Mensis Nov. A. D. 1529. Indictione tertiâ, Pontificatûs Sanctissimi in Christo Patris & Domini, Domini Clementis div. Prov. hujus nominis Papæ 7ⁱ, a^o 7^o inchoatâ & celebratâ, ac de tempore in tempus continuatâ, ac nuper ex causis urgentibus ad Domum Capitularem infra Monasterium S. Petri Westminster situatam prorogatâ, & ibidem de diebus in dies continuatâ congregati, super quibusdam arduis & urgentibus negotiis Ecclesiam Anglicanam tangentibus sæpius, pluries, & iteratis vicibus tractavimus, & communicavimus. Tandem post longum Tractatum inter Nos & confratres nostros, Prælatosq; Decanos, Archidiaconos, & Cleri nostræ Prov. Cant. Procuratores in eâ parte habitum, die Martis, viz. 24 Die Mensis Jan. A. D. secundum Cursum & Computationem Ecclesiæ Anglicanæ 1530. Indictione 4 Pontificatûs dicti Sanctissimi Patris in Christo a^o 8. in Domo Capitulari Westminster Prædictâ iterum congregati, Nos Willielmus Arch. antedictus, nostrique Suffraganei, ceteriq; Prælati, & Clerus antedictus vestra Regiæ Majestati concessimus summam centum millium Librarum sumptibus & expensis omnium nostrum prædictorum colligendam, levandam, & ad usum vestra Regiæ Majestatis persolvendam, Locis & Terminis in eâ parte assignatis & limitatis, prout in quodam Scripto Certificatorio vestra Celsitudini per nos facto & sub sigillo nostri Archiepiscopatus prædicti plenius continetur: Cujus Concessionis forma sequitur in hæc verba.

Si Naturaliter obligamur iis benefacere qui de nobis præ ceteris benemeriti sunt (ut certè obligamur) profectò nisi Humanitatis Officio & Naturæ Jura fadè violare voluerimus, non possumus

prætermittere vel præterire quin Illustrissimo & Potentissimo Domino nostro H. VIII. A. & F. Regi invictissimo, fidei Defensori, & Domino Hyb. pro suis ingentibus & incomparabilibus beneficiis aliquam nostri animi gratam significati-
onem, non tantum per verbalem gratiarum & laudum actionem, sed etiam per realis & pecuni-
arie benevolentie spontaneam oblationem ostenda-
mus. Tanta enim sunt Illustrissimæ ejus Maje-
statis in nos merita quòd nullis laudibus æquari,
nullis gratiis referri, nullis officiis rependi,
necum nostris præmiis aut muneribus recompen-
sari queant. Etenim sicut superioribus diebus
Universalem Eccl. (cujus humillima Membra
sumus) studiosissimè Calamo, & sumptuosissimè
Bello contra Hostes defendit, tam potenter & in-
victè quòd & nominis & famæ aternam gloriam
inde promeruit, atq; ad cælos viam aperuit. &
ingressum sibi patefecit, atq; præterea totam Chri-
sti Ecclesiam generaliter, & Nos suos subditos
peculiariter tali merito sibi perpetuò & obliga-
tissimè devinxit; sic impræsens quam plurimos
Hostes, maxime Lutheranos, in perniciem Eccle-
siae, & Cleri Anglicani (cujus Singularem Pro-
tectorem, Unicum & Supremum Dominum, &
quantum per Christi Legem licet, etiam Supre-
mum Caput, ipsius Majestatem recognoscimus)
conspirantes, ac in Prælatorum & Cleri famam
& Personas, sparsis famosis Libellis, Mendaciis,
& Maledictis, jampridem hoc animo debacchantes,
ut illorum æstimationem lederent, & vulgo con-
temnendos propinarent; Sapientissima ejus Maje-
stas, ut decebat pium fidei & Ecclesiae Defensorem,
suis Laboribus, suis Rationibus, & Consiliis, imò
suis Monitis, Edictis, & Autoritate taliter con-
tudit & repressit, quod illorum audacia caput re-
frigescere,

frigescere, quæ maximum tumultum contra Ecclesiam videbatur excitatura: Qui tametsi in solâ Ecclesiæ potestate præludebant, tamen forsân intendebant non solum Prælatorum, sed etiam omnium Principum Potestatem enervare, & Evangelii imitationem simulantes atq; sanctam quandam Hypocrisin suis inceptis prætendentes eò respiciebant, ut tandem confederatâ nequissimâ multitudine insurgerent, & bona Christo data diriperent, ac in Ecclesiarum possessiones violenter irrumperent: Quem Metum atq; Periculum Rex noster invidiosissimus à nobis repulit & curavit ut in quiete securâq; pace Deo ministrare, & Curæ animarum Populi Majestati ejus commissæ debitè inservire possimus. Quocirca ne Illustrissima ejus Majestas suam Benevolentiam & Excellentissima Beneficia præfata in omnino ingratos se contulisse judicet; & quia summè confidimus quòd ejus Celsitudo ex suâ in Deum ingenti pietate pròq; Clarissimo Fidei Defensoris nomine, quod præ ceteris Regibus longè honoratissimum jam olim promeruit, Christi Fidem & Ecclesiam solito Zelo contra Hereticos & alios Oppugnatores potenter defendet; & ut omnibus & singulis Prælatis, Clericis, & Religiosis in sacris Ordinibus constitutis, Abbatissis, Priorissis, etiam Sanctimonialibus Cant. Prov. atq; quibusvis Judicibus, Advocatis, Registrariis, & Scribis, Procuratoribus ad Judicia constitutis, ac Apparitoribus, ceterisq; qui intra Cant. Prov. Potestatem aut Jurisdictionem, ut Judices, eorumve Deputati, in aliquibus Curis Spiritualibus exercuerunt, aut ejusdem Jurisdictionis exercitio vel executioni, sicut Advocati, Registrarii, Scribæ, Procuratores ad Judicia, & Apparitores, Ministri fuere, Generalem Gratiâ & Pardonationem de omnibus

eorum transgressionibus Pœnaliũ Legum & Statutorum hujus Regni, tũ caterorum, tũ etiam Statutorum de Provisoribus & Præmunire, in tam amplis modo & formâ, prout suæ Majestati ex Solità suâ benignitate in subditos suos sæpius ostendere placuit, concedere dignetur, Nobis in iis condonatis quæ nobis Humillimis suis subditis prodesse & ab angustiis quibus versamur liberare potuerit (Quod ut faciat humilimè provoluti ingenua ante pedes ejusdem Celsitudinis Supplices deprecamur) Nos Prælati & Clerus dictæ Cant. Prov. in Conv. sive Sacrà Synodo Prov. in Eccl. Cath. D. Pauli Lond. 5 Die. Mensis Nov. A. D. 1529. per Reverendissimum in Christo Patrem & Dominum, Dominum Willielmum Permissiõne Divinâ Cant. Archiepisc. &c. ac per Prælatos & Clerum Cant. Prov. prædictæ inchoatâ, & de tempore in tempus continuatâ, & nuper ex causis urgentibus ad Domum Capitularem infra Monast. S. Petri Westm. situatam prorogatâ Illustrissimo & Potentissimo Principi Domino nostro H. VIII. D. G. &c. dedimus & concessimus, prout per presentes damus & concedimus, Summam 100000l. de bonis & possessionibus Ecclesiasticis, & Ecclesiasticorum dictæ Cant. Prov. pro tempore existentium, sumptibus Prælatorum prædictorum & Cleri, absq; deductiõne aliquâ, seu, ut vocant, Allocatiõne à Regiâ Majestate ratione Archiepiscopatûs, aut cujuscunque Episcopatûs Prov. Prædictæ interim vacantis, aut forsân vacaturi quovismodo petendâ, seu contributione aliquâ ad Solutionem istius summe vel alicujus partis ejusdem à Laicis quovismodo exigendâ, præterquam ab iis Laicis ad quorum manus Bona illorum Prælatorum vel Clericorum pervenient qui tempore mortis suæ ad solutionem alicujus partis dictæ summe tenebuntur,

tur, quam summæ partem etiam Laïci pro ratâ bonorum quæ ad manus eorum pervenient solvere tenebuntur, modo & formâ in hac eadem Synodo assignatis & assignandis levandam & colligendam; necnon ad usum Majestatis ejusdem intra quinquennium ex nunc proximè & immediatè sequens per 5 equales Portiones fideliter persolvendam: ita viz. quòd prima portio prædictarum quinque, viz. 20000 l. infesto S. Mich. Archân. prox. futuro ejus Majestati debita censeatur, & in festo Annuntiationis B. Mariæ ex nunc prox. sequenti per Receptores fideliter persolvatur, [and so every one of the Four succeeding Payments, a Year after one another]: ita quòd Receptores Generales ad hanc summam 100000 l. à Collectoribus per Prælatos singularium Diocesum pro quibus ipsi Prælati & Clerus Domino nostro Regi respondere tenebuntur constituendis recipiendam auctoritate hujus Convocationis deputandi, omnes & singulas pecuniarum summas sic per eos, & suos in eâ parte deputatos, & assignatos de & super hujusmodi summâ 100000 l. sic ad usum Domini nostri Regis concessâ, & quâlibet parte ejusdem receptas Thesaurario Camere ejusdem Domini nostri Regis pro tempore existent. in domo Officii sui Westminiter, de tempore in tempus, & non alibi, neq; alteri solvere teneantur; atq; ad hoc per Indenturas inter eundem Thesaurarium & Receptores prædictos conficiendas, & in receptione cujuscunq; summæ sic eidem Thesaurario solvende, absq; omni dilatione vel excusatione quâcunq; Manu ejusdem Thesaurarii subscribendas, & dictis Receptoribus pro summis sic per eos ei persolutis in plenâ Exonerationem & Acquiescentiam pro eisdem sufficientem continuò deliberandas: ita viz. quòd vigore dictar' Indenturar'

APPENDIX.

tam omnes & singuli Prelati & Clerus dictæ Cant. Prov. quam Receptores generales prædicti pro hujusmodi summis solutis omnino sint acquietati & exonerati, sic quod alibi, vel per aliquam Spiritualem seu Temporalem personam non molestantur, turbentur, aut inquietentur, siue molestari possint aut valeant quovismodo in futurum. Et quia placuit Benignitati Regis nostri Serenissimi, propter plures Casus fortuitos, qui interim evenire possint, nobis concedere, suam Majestatem æquo animo laturam, si de summâ illâ 20000 l. singulo quôq; anno, durante hoc quinquennio, ut præfertur, persolvendâ, nonnihil in termino solutioni præfinito defuerit aut desideretur, modo summam 2000 Marcarum in uno Anno, vel 10000 Marcar' in toto hoc quinquennio non excedat; Nos Prelati & Clerus antedictus Summam illam, seu Summas ita desideratas, seu terminis, ut præfertur, debitis, minimè persolutas in Sexto abhinc Anno, viz. in Festo Annunt. quod erit inchoante Anno Domini 1537. Thesaurario Camere ejus Majestatis Loco, Modo, & Formâ præscriptis integrè, fideliter, & plenè persolvemus. In quorum omnium & singulorum præmissorum fidem & testimonium Nos Willielmus Archiepiscopus Primas & Legatus antescriptus præsentis Literas Testimoniales, siue hoc præsens Publicum Instrumentum Sigilli nostri appensione, Signoq; & subscriptione Willielmi Potkyn Publici Auctoritate Apostolicâ Notarii, & Registrarii, Scribaq; nostri, ut præmittitur, in hac parte assumpti, fecimus & jussimus communi-ri. Dat. quoad Sigillationem præsentium 22 Die Mensis Martii, Anno secundum cursum & computationem Eccl. Anglicanæ 1530, & nostræ Translationis a°. 28.

V. Bishop

V.

Bishop Tonstal's Protestation against
Henry VIIIth's Title of Supreme
Head.

EGO Cuthbertus, *permissione divina* Dunelm. Episc. dico & allego in hiis scriptis prout sequitur — Cum in verbis Concessionis cujusdam Pecunie Summæ Illustrissimo Domino nostro Henr. VIII. D. G. A. & Fr. Regi, Fidei Defensori, & Domino Hybernæ, in præsentî Concilio Provinciali concessæ, in Præfatione, ubi de Lutheranorum repressione sit mentio, inter cætera, contineantur hæc Verba, scil. — “Quam plurimos Hostes, & “maximè Lutheranos, in perniciem Ecclesiæ, & “Cleri Anglicani (Cujus Singularem Protectorem, Unicum & Supremum Dominum, & “quantum per Christi Legem licet, etiam Supremum Caput, ipsius Majestatem recognoscimus) “conspirantes, &c. — Quæ Verba quanquam plerisq; absq; periculo ullius Offendiculi posita videantur, Mihi tamen recogitanti quod quidam nuper de Crimine Hæresis suspecti & impetiti horum verborum sensum perversè capientes Episcoporum suorum Judicium declinare conati sunt, apertius distinguenda & ponenda ea videntur quæ sub hiis verbis includi possunt. viz. ut, si per ea intelligatur, quod Rex sit post Christum Supremum Regni sui & Cleri Anglicani in terrenis & Temporalibus Caput, sicut reverà est, & omnes recognoscimus, sic ad vitandam malignorum interpretationem exprimenda sunt Verba, ne in alium sensum ab Hæreticis trahantur. Si verò per ea intelligatur indistinctè, prout verba sonant, quod
Rex

Rex tam in Spiritualibus quam in Terrenis & Temporalibus sit supremum Ecclesiæ Caput, & quod ita licere per Christi Legem affirmetur, sicut Malignantes quidam illa Verba [scil. Quantum per Christi Legem licet] tanquam Assertivè posita capere videntur, quia hic Sensus cum Sententiâ Catholicæ Ecclesiæ videtur non convenire, id circò ab hujusmodi Sententiâ, verbis sic intellectis & positis, ne ab Ecclesiâ Catholicâ, extra quam nemini Christiano est Salus, dissentire videar, expressè dissentio. Et quia Verba illa [scil. Quantum per Christi Legem licet] saniore intellectu per alios, tanquam Limitativè aut Restrictivè posita, sumuntur; quia tamen ambiguum relinquunt quid liceat per Legem Christi; & in uno sensu, si de Terrenis & Temporalibus intelligantur, Rex post Christum sit supremum Caput, ut pote qui sit super omnes, & quo non sit alius Superior, cum hoc liceat per Legem Christi: Si verò de Spiritualibus intelligantur ea verba, Rex non sit Supremum Caput Ecclesiæ, cum hoc per Christi Legem non liceat: Et Verba etiam illa [scil. Supremum Caput Ecclesiæ] multiplicem Sensem habere possunt, unum in Spiritualibus, alterum in Temporalibus, Tertium tam in Spiritualibus quam in Temporalibus, & ad Propositionem multiplicem non sit danda Simplex Responsio; ea propter ne pusillis occasionem demus Scandali, quod Christus omnes vitare jubet, magis aperitè declarandum existimo, quod omnem illum mundanum & terrenum honorem Regiæ Majestati cum omni Humilitate, Obedientiâ & Subjectione deferimus qui Christiano Regi & Principi à Sacerdotibus sibi subditis quovis modo deferri potest: quem Ego imprimis Regiæ Majestati de Me suprâ quam ullis verbis explicari potest benemeritæ libens deferre.

Et præstare semper paratus ero. Et ne Verba sub eâ formâ quâ scribuntur non declarata prodeant, ne Scandala malignis aut pusillis sensu generare possint, expressè in hiis scriptis Dissentio. Et similiter declarandum Et exprimendum puto, Verba illa [scil. Unicum & Supremum Dominum], in Temporalibus post Christum accipi; subiciens me in omnibus Et hunc meum Dissensum, Declarationem, Et Protestationem, Et omnia quæ superscripta sunt Sanctæ Matris Ecclesiæ Fudicio: Et peto in Acta hujus Concilii ea omnia redigi, Et Publicum Instrumentum mihi inde fieri. Et Vos venerabiles Viros hic præsentés ad perhibendum Testimonium Requiro.

VI.

The Answer of the Ordinaries to the Supplication of the Worshipful Commons of the Lower House of the Parliament, offered to our Sovereign Lord the King's most Noble Grace.

AFTER our most Humble wise, with our most bounden Duty of Honour and Reverence to your Excellent Majesty, endu'd of God with incomparable Wisdom and Goodness; Pleaseth it the same to understand that We Your Orators and daily bounden Bedesmen the Ordinaries, have read and perus'd a certain *Supplication*, which the *Commons* of your Graces most Honourable Parliament now assembled, have offer'd unto Your Highness, and by Your Commandment deliver'd to us to make thereunto Answer:

And

And as the time hath served and permitted, we have, according to your Highness's Commandment, made thereunto this Answer following; beseeching your Graces indifferent Benignity graciously to hear the same.

First, Where in the said Supplication it is induc'd as for a Preface, That much Discord, Variance and Debate hath risen among your Graces Subjects Spiritual and Temporal, and more and more is daily like to increase, to the great Unquietness and Breach of the Peace within your Graces Catholick Realm, as well through New Fantastical and Erroneous Opinions grown by Occasion of Seditious and Overthwart-framed Books, compiled, imprinted, and made in the *English* Tongue in the Parts beyond the Sea, contrary and against the very true Catholick and Christian Faith, as also by the Uncharitable Dealing and Behaviour of Divers Ordinarys, their Commissioners, and Substitutes, in the Common and Often Vexation of your Graces said Subjects in the Spiritual Courts, and also by other Evil Examples, and Misuses of Spiritual Persons.

To this We Your said Orators and daily bounden Beadsmen the Ordinarys answer, assuring your most Noble Highness, that in our Hearts and Consciences there is no such Discord, Variance, Debate, nor Breach of Peace on our Party against our Brethren in God, and Ghostly Children, your Subjects, as is induced in this Preface: But our daily Prayer is, and shall be, That all Unity, Concord and Peace may increase among all the People of God, specially among your Graces true faithful Subjects, and our said
Ghostly

Ghostly Children, whom, God be our Witness, we love, have loved, and shall love ever, with hearty Affection; never intending any Hurt or Harm towards any of them in Soul or Body, and never having enterprised any thing against them of Trouble, Vexation, or Displeasure: but only have, as we dare surely affirm, with all Charity exercised the Spiritual Jurisdiction of the Church, as we are bound of Duty, upon certain Evil disposed Persons, infected and utterly corrupt with the Pestilent Poison of Heresy: And to have had Peace with such, it had been against the Gospel of our Saviour Christ, wherein he saith, *Non veni mittere Pacem, sed Gladium.* And if any Discords, Variance, or Debates be or have been on other Parties, we think verily, like as they do say, that it hath risen only by uncharitable Behaviour of certain Evil and Seditious Persons infected, as above, with Fantastical and Erroneous Opinions taken out of such Books as be mentionate in the said Supplication, of whose Fall we be very sorry, and beseech Almighty God to repair in them right Faith and Christian Charity again, that all Concord, Unity, and Peace, which Christ gave and left behind him as a peculiar Treasure to all that would be his Disciples, may have place in this your Graces most Noble Realm, in the avoiding the most terrible Prophecy of the most true Prophet, our Master Christ, saying in his Gospel, such Variance and Debate being, every Kingdom divided in it self shall be desolate, and one House shall fall upon another. In Consideration whereof lowly upon our Knees, sincerely, without Colour or Counterfeiting, we beseech your Gracious Highness that it may please the
same

same to be the Author of Unity, Charity and Concord within this your Graces Realm, and grant to us the unworthy Ministers of God's Church within this Your Realm, that by your Grace's Favour, Protection, and Defence we may not only serve God quietly in his Church, but also execute the Spiritual Jurisdiction peaceably, for the Discharge of our Duty, and Reformation of Sin. In the exercising whereof we trust we have not been so great Occasion of Variance as is surmised in the Preface, through our Misorders, Uncharitable Behaviour, and Vexation of Your Graces Subjects in Spiritual Courts, as we doubt not shall appear to Your Grace by this our Answer.

And albeit in a Multitude it is hard but certain will in some time fall to Lightness, or misuse themselves, yet we trust that there is not such Number of Evil-ruled Spiritual Persons in the Clergy, that for their Evil Examples, and Misuses, the Occasions of these Variances and Debates should be annexed to the whole Body of the Clergy in such a Generality. And percase many Matters of the same Supplication have come and been brought to Your Graces said Commons by Misinformation, and by Bills devised by some which bear little Favour to the Clergy: and percase some of those Bills which contained much Matter of this Supplication, for just Causes moving the Charitable Consciences of Your Graces Commons were heretofore rejected of your said Commons, and now percase by the Importune Suit of such as devised these Bills, Means have been made to have such Matters form'd into a Supplication, to be put unto Your Highness, to the Hinderance of Your
Graces

Graces Favour toward the Clergy, which will be as far and as loath as any Creatures living to fall into Your Graces Displeasure. And albeit we perceive and know right well, that there be as well disposed, and as well Conscienc'd Men of Your Graces Commons in no small Number assembled, as ever we knew in any Parliament. Yet we be not so ignorant but that we understand that Sinister Informations, and Importune Labours and Perswasions of Evil disposed Persons, pretending themselves to be thereto moved by the Zeal of Justice and Reformation may induce right wise, sad and constant Men to suppose such things to be true, as be not so indeed.

And where, after the General Preface of the said Supplication, Your Graces Commons descend to special particular Greves, and first report that the Clergy of this Your Realm, being your Highness subjects in their *Convocations* by them holden within this Your Realm *have made* and daily *make* Sanctions or Laws concerning Temporal things, and some of them be repugnant to the Laws and Statutes of your Realm, not having, ne requiring Your most Royal Assent to the same Laws so by them made, neither any Assent or Knowledge of Your said Lay Subjects is had to the same, neither to them published and known in their Mother Tongue; Albeit divers and sundry of the said Laws extend in certain Causes to your excellent Person, Your Liberty and Prerogative Royal, and to the Interdiction of your Lands and Possessions, and so likewise to the Goods and Possessions of your Lay Subjects, declaring the Infringers of the Law so by them made not only to incurr
into

into the terrible Sentence of Excommunication, but also the detestable Crime and Sin of Herefy, by the which divers of your most Humble and Obedient Lay Subjects be brought into this Ambiguity, whether they may do and execute your Laws according to your Jurisdiction Royal of this Realm for dread of the same Censures and Pains comprised in the same Laws so by them made in their Convocations, to the great Trouble and Inquietation of your said Humble and Obedient Lay-Subjects, and to the Impeachment of Your Jurisdiction and Prerogative Royal.

To this Article we say, That forasmuch as we repute and take our Authority of making Laws to be grounded upon the Scripture of God and Determination of Holy Church, which must also be a Rule and Square to try the Justice of all Laws, as well Spiritual as Temporal, We

Second Copy has it---[in such Laws as have been made by Us, or by our Predecessors, the same being sincerely interpreted, and after the good Meaning of the Makers, there shall be found nothing contained in them but such as may be well justified by the said Rule and Square.]

verily Trust that [considering the Laws of this Realm be such as have been made by most Christian, Religious and Devout Princes and People, how both these Laws proceeding from one Fountain, the same being sincerely interpreted, and after the good Meaning of the Makers, there shall be found no Repugnancy nor Contrariety, but that the One shall be found as aiding, maintaining and supporting the Other.] And if it shall otherwise appear, as it is our Duty (whereunto we shall always most diligently apply our selves, to reform our Ordinances to God's Commission, and to conform our Statutes and Laws, and those of our Predecessors

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cessors to the Determination of Scripture and Holy Church: So we hope in God, and shall daily pray for the same, that your Highness will, if there appear Cause why, with the Consent of your People, temper your Graces Laws accordingly: whereby shall ensue a most sure and perfect Conjunction and Agreement, as God being *Lapis Angularis*, to agree and conjoin the same.

And as concerning the requiring of Your Highness's *Royal Assent* to the authorizing of such Laws as *have been by our Predecessors, or shall be made by us* in such Points and Articles, as we have by God Authority to rule and order, &c. as in the App. of I. Edit. p. 464. to these Words— A special Protector.

Furthermore, where in the said first Article your said Lay Subjects say, That sundry of the said Laws extend in certain Causes to your Excellent Person, your Liberty and Prerogative Royal, and to the Interdiction of your Lands and Possessions:

To this your said Orators say, that having in Answer to the former Article submitted the Trying and Examining of the Laws made in the Church by Us, or our Predecessors, to the Just and Strait Rule of God's Law, which giveth Measure of Power, Prerogative, and Authority to all Emperors, Kings, Princes and Potestats, and all other; we have conceived such Opinion, and have such Estimation of your Majesty's Goodness and Vertue, that whatsoever any Persons not so well Learned as your Grace is would pretend unto the same, whereby We your most Humble Subjects may be brought in your Graces Displeasure and Indignation, surmising that we

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should

should by Usurpation and Presumption extend our Laws to your most Noble Person, Prerogative, and Realm; yet the same your Highness being so highly Learned, will of your own most Bounteous Goodness facilly discharge and deliver us from that Envy, when it shall appear that [the said Laws are made by Us, or our Predecessors Conformable and Maintainable by the Scripture of God and Determination of the Church, against which no Laws can stand or take Effect.]

The other copy has it- [No such Laws be made by us, nor, as far as we per-

ceive and remember, by our Predecessors neither; nor finally no Laws, as we verily Trust, but such as be good, and wholeſom, and convenient, and maintainable by the Word of God, and the Determination of Christ's Catholick Church.]

VI. (a)

Bishop Gardiner's Letter of Excuse, in Relation to this Reply.

† Fox, who had a great Share in all this Transacti-on.

MY Duty remembred to Your Majesty with all Lowly Humility, and Reverend Honour; forasmuch as letted by Disease of Body I cannot Personally repair to your Highness's Presence, having heard of your Graces Almoner † to my great Discomfort, what Opinion your Highness hath conceived of me, I am compelled by these Letters to represent unto the same Lamenting and Wailing my Chance and Fortune to have lost, besides my Debts, as much Reputation in your Graces Heart as your Highness without my Merits hath conferr'd unto me in Estimation of the World. And if I comforted not my self with Remembrance of your Graces Goodness,

Goodness, with whom *Veritas semper vincit ; Et fortis taderet, & Vita.* I know in my self, and can never forget your Graces Benefits, and your Highness's Notable Affection towards me. I know my Duty and Bond to your Highness. How much I desire to declare in outward Deeds, mine Inward Knowledge God knoweth, and I trust your Highness shall know : but in the mean time for want thereof thus I suffer, and know no Remedy but your Highness's Goodness to expend what I have done, what I should have done, and what I may do, and not be discontent, though in Correcting the *Answer* I believed so great a Number of Learned Men, affirming it so precisely to be true that was in the *Answer* alledged concerning God's Law ; specially considering your Highness's Book against *Luther* in mine Understanding most plainly approveth it. The Book written in your Graces Cause, and translated into English, seemeth to allow it ; and the Council of *Constance*, condemning the Articles of *Wyclese*, manifestly decreeth it. The contrary whereof if your Grace can now prove, yet I not Learned in Divinity, ne knowing any part of your Grace's Proofs, am, I trust, without Cause of Blame, in that behalf. When I know that I knew not, I shall then speak thereafter. It were pity we Lived, if, so little expressing our Love to God in our Deeds, we should abuse his Name and Authority to your Highness's Displeasure, of whom we have received so many Benefits. On the other part, if it be God's Authority to us allotted, though we cannot use it condignly, yet we cannot give it away ; and it is no less danger to the Receiver than to the Giver, as your Highness of your

B 2

high

high Wisdom can consider. I am, for my part, as I am bound, most desirous not only to do what may be done to your Highness's Contentation; but also appliable to learn the Truth, what ought to be done: trusting your Majesty will finally take in good part, that I think That Truth, for which I have so good Grounds and Authorities, until I have stronger Grounds and Reasons to the contrary. I shall most gladly confer with any of your Graces Council in this Matter; and in the mean time I daily pray to God for the Knowledge of his Truth, and Preservation of your Majesty in much Felicity; alway most ready and desirous to do as becometh

*Your most Humble Subject, most Bounden
Chaplain, and Daily Breadfman,*

Ste. Wint.

This Letter seems to have been written to the King immediately after the

**Second Reply made by the Clergy to
the Supplication of the Commons....
which was as follows :**

VI. (b)

FOrasmuch as the Answer lately made by Your Clergy unto Your Honourable Commons, for their Satisfaction in their Bill of Complaint put up unto Your Highness, doth not please nor satisfy Your Highness in some Points concerning

cerning Your Own particular Interest, specially in that Point which concerneth *Laws*, either *Now to be by Us made*, or else *Old, to be by Us re-form'd*: for Your Highnesses better Contentation in that behalf, We Your said most Humble Chaplains, do now more especially answer unto those Points as followeth:

1. As touching *New Laws to be by us Hereafter made*, we say, that the Laws and Determinations of Christ's Holy Church, throughout all Christian Realms receiv'd and us'd, been clear and manifest; that the Prelates of the same Church have a Spiritual Jurisdiction and Judicial Power to Rule and Govern in Faith and Good Manners, necessary to the Souls Health, their Flocks unto their Cure committed; and that they have Authority to make and ordain Rules and Laws tending to that purpose; which Rules and Laws hath and doth take their Effect in binding all Christian People as of theymself; so that before God, there needeth not of necessity any Temporal Power or Consent to concur with the same by the Way of Authority.

Item, They say that this Power and Authority in making Laws, in matters concerning the Faith and Good Manners, necessary to the Soul's Health, all Christian Princes have hitherto reckon'd themselves bound to suffer the Prelates to use within their Realms, and have not claimed of the same Prelates, that they should from time to time require their Consent or License, by the way of Authority, more in making of such Laws, than they do claim, that they the said Prelates should from time to time, require their Consents autorysable in the giving of Holy Orders to any of their Subjects, or in the exercising

APPENDIX.

cising any other Spiritual Act depending upon their Spiritual Jurisdiction; the Authority whereof immediately proceedeth from God, and from no Power or Consent Authorisable of any Secular Prince; except it be that Consent that is taken of the Princes own Submission to the Faith Catholique, made not only by their Noble Progenitors, when they first admitted Christ's Faith, and the Laws of the Holy Church within their Realms; but also by themselves, first Generally at their Baptism, and after more specially and most Commonly by their Corporal Oaths at their Coronation.

We say also, that this Power of making Laws afore said, is right well founded in many Places of Holy Scripture, now so much the less necessary here to be rehears'd, for as much as that matter is at large set out in a Book now by Us put up unto Your Highness, and Your Highness your self, in your Own Book, most excellently Written against *M. Luther*, for the Defence of the Catholick Faith, and Christ's Church, doth not only knowledge and confess, but also with most Vehement and Inexpugnable Reasons and Authoritys doth defend the same: Which Your Highnesses Book we reckon that of your Honor You cannot, nor of Your Goodness You will not revoke.

Yet, these Considerations notwithstanding, We your most humble Chaplains and Bedesmen, considering Your High Wisdom, Great Learning, and Infinite Goodness towards Us and the Church, and having special Trust in the same, and not minding to fall in Contention or in Disputations with Your Highness in any manner of Matter what we may do; We be contented to
make

make Promise unto Your Highness, That in all such *Acts, Laws, and Ordinances* as upon Your Lay Subjects, We, by the reason of our Spiritual Jurisdiction and Judicial Power shall *hereafter make* ; we shall not *Publish*, nor *put them forth*, except first we require Your Highness to give your *Consent and Authority* unto them ; and so shall from Time to Time *suspend* all such our *Acts, Ordinances, and Laws, hereafter to be made*, unto such Time as Your Highness by Your Consent and Authority shall have authoriz'd the same : except they be such, as shall concern the Maintenance of the Faith, and Good Manners, in Christ's Church ; and such, as shall be for the Reformation and Correction of Sin, after the Commandments of Almighty God, according to such Laws of the Church, and laudable Customs, as hath been heretofore made, and hitherto receiv'd, and us'd, within Your Realm. In which Points our Trust is, and in our most humble manner we desire Your Grace, that it may so be, that upon the Refusal of your Consent, (which We reckon we need not fear, but yet if any such thing should fall) Your Highness will be then contented, that we may exercise our Jurisdiction as far as it shall be thought necessary unto us for the maintenance of Christ's Faith, and for the Reformation of Sin, according to our Offices, and the Vocation that God hath called us unto.

As for the *Second Point*, concerning *Laws which in Time past have been made* by us, or by our Predecessors, contrary to the Laws of this Your Realm, and to your Prerogative, as it is pretended ; to this Point We Your Highnesses most humble Chaplains answer and say, that such our

Laws by our Predecessors within this Realm made, as contain any Matter contrary to your Laws or Prerogative, and be not now in use, and do not concern the Faith, nor Reformation of Sin, when we shall be advertis'd of them, we shall right gladly in that part revoke them, and declare them to be void, and of none effect. So that your said right Honourable Commons shall now dare execute Your Laws, without any Fear, or Dread, or Danger of our said Laws, if any such there be.

Bibl. Cotton. Cleop. fol. 101, 102, 103.

VI. (c)

First, As concerning such Constitutions and Ordinances Provincial, as *be to be made hereaf-*

* B. Adds—of the Clergy of this your Realm.

ter by Us your most humble Subjects *, we having our Especial Trust and Confidence in your most high and excellent Wisdom, your Princely Goodness, and Fervent || Zeal to the Promotion of God's Honor, and Christian Religion ::, and especially in Your incomparable Learning, far exceeding in our Judgment the Learning of all other Kings and Princes that we have read of, and doubting nothing but that the same shall still continue, and daily encrease in your Majesty, do offer and promise here unto the same, that from henceforth † we shall forbear to Enact, Promulge, or put in Execution any such Constitutions or Ordinances, so by Us *to be made in time coming,*

† B. Adds—During Your Highnesses Natural Life (which we most heartily beseech God long to preserve.)

tions or Ordinances, so by Us *to be made in time coming,*

coming, unless Your Highness by Your Royal Assent shall License us to * *Make, Promulge, and Execute* such Constitutions, and the same so * *B. adds, made shall approve* by your Highnesses Authority. The contrary; and leaves out all from thence to the word, Authority.

Seconde, Whereas Your Highnesses Honourable Commons do pretend ∴, that divers of the ∴ *B. Sur-Constitutions Provincial which have been heretofore Enacted, be not only much Prejudicial to Your Highnesses prerogative Royal, but also overmuch Onerous to Your said Commons, we Your most humble Subjects* ∥ (for the Considerations aforesaid) be contented to refer and commit all and singular the said Constitutions to * [the Examination and Judgment of Your Grace only;] and which soever of the same shall finally be found, thought and judged by your Graces most High Wisdom prejudicial, and † [overmuch] Onerous, as is pretended, we offer and promise your Highness to ∴ moderate, or utterly to abrogate, and annul the same, according to the Judgment of Your Grace.

∥ *B. Leaves out all within this Parenthesis.*

* *B. has it [Your Highnesses only Judgment and Examination.]*
† *B. leaves out this Word.*

∴ *B. to abrogate, annul, and*

declare the same to be taken as of no force or strength.

Saving to Us always all such [Immunities and Libertys of this Church of England, as hath as be conformable, and do stand with the Laws of Almighty God, and of Holy Church; and be not repugnant to the Laws of the Realm: with all such other Immunities and Libertys of the Church of England, as hath been granted, and confirm'd to the same, either by General Councils, or else by the Goodness and Benignity of your Highness, and other Your Noble Progenitors. Providing also that until Your Highnesses Pleasure herein shall be further declared unto us, all manner of Ordinaries may execute their Jurisdictions, according to the said Constitutions, in like manner as they have us'd the same in Times passed.]

B. [Constitutions Provincial,

been

APPENDIX

been granted to the same by the Goodness and Benignity of your Highness, and of Others, Your most Noble Progenitors; with all such *Constitutions Provincial* as do stand with the Laws of Almighty God, and of your Realm, *heretofore made*; which we most humbly beseech your Grace to *ratify* and *approve* by Your *Royal Assent*, for the better executing of the same in times to come among Your Graces People.]

“These *Articles* above written be agreed
 “in the Over-house, and the Lower-
 “house is agreed to the same; so that
 “in the first Article be added these
 “words, *viz. [during the King’s Natural Life]*; and in the second be added
 “these words, *[and Holy Church]*, with
 “a *Proviso* at the Latter End: and so
 “the Articles, as they be agreed by
 “the Lower-house, be of this Tenor
 “following.

Then follows another Copy, with these Alterations inserted thus— In the 1st §. the words run— [from henceforth, during Your Highnesses Natural Life (which we most heartily beseech God long to preserve) we shall forbear, &c.] In the 2d §. [—with the Laws of Almighty God, and Holy Church, and of Your Realm, &c.] And then after the words [Your Graces People] comes this Proviso— [Providing also, that until Your Highnesses Pleasure herein shall be further declared unto us, all manner of Ordinaries may execute their Jurisdictions according to the said Constitutions, in like Manner and Form as they have used the same in Times passed.

There

There is a *Third* Form also [design'd by the Letter B], that has both These and some Other Differences, which I have plac'd in the Margin.

Ibid. fol. 97, 98, 99.

VI. (d)

The last Form of Submission, which the King requir'd of the Clergy; and to which the Lower House consented.

WE Your most Humble Subjects, Daily Orators and Beadsmen of your Clergy of *England*, having our special Trust and Confidence in Your * [Excellent] Wisdom, Your Princely Goodness, and Fervent Zeal to the Promotion of God's Honor, and Christian Religion, and also in your Learning, far exceeding in our Judgment the Learning of all other Kings and Princes that we have read of, and doubting nothing but that the same shall still continue and daily encrease in Your Majesty.

I have Printed this from Two Copies, One drawn from the Original Act of Conv. the Other from the Records of the Crown.

* B. [most Excellent.]

First, Do offer and promise *in Verbo Sacerdotii*, here unto Your Highness, submitting our selves most humbly to the same, that we will never from henceforth presume to Attempt, Alledge,

*B. [or yet put in Ure.] *ledge, Claim, * [or put in Ure]; or to Enact, Promulge, or Execute any Canons, Constitutions, or Ordinances Provincial, or by any other Name whatsoever they may be called in our Convocation in time coming (which Convocation is always, hath been, and must be assembled only by Your Highnesses Commandment of Writ), unless Your Highness by Your Royal Assent shall License us to Make, Promulge, and Execute the same, and thereto give Your most Royal*

*B. [Assent and Authority.] * [Assent.]

*Secondly, That whereas divers of the Constitutions * [Provincial] which have been heretofore Enacted be thought to be not only much*

*Prejudicial to Your Prerogative Royal, but also overmuch Onerous to Your Highnesses Subjects, * [Your foresaid Clergy is contented] it be committed to the Examination and Judgment of 32 Persons, whereof 16 to be of the Upper and Nether House, of the Temporality, and other 16 of the Clergy; all to be chosen and appointed by your * [Most Noble Grace]: so that finally which soever of the said Constitutions shall be*

*B. [Highness.]

† B. [Worthy to be abrogated and annulled.]

† B. [afterwards.]

∴ B. [most Noble Grace.]

*B. [Constitutions and Canons]

† B. [foresaid]

*B. [most Royal.]

thought and determined by the most part of the said 32 Persons [not to stand with God's Laws and the Laws of your Realm] † the same to be † [abrogated and] taken away by Your ∴ [Highness] and the Clergy, and to be abolite as of no Force and Strength.

*Thirdly, That all other of the said * [Constitutions] being viewed and approbate by the [said] ‡ 32 Persons, which by the most part of their Judgments do stand with God's Laws, and Your Highness, to stand in full Strength and Power, Your Graces * [Royal Assent] once im-*

petrate, and fully given to the same.

Instrumentum

VI. (e.)

Instrumentum super submissione Cleri coram Domino Rege, quoad celebrationem Conciliorum Provincialium.

IN Dei Nomine, Amen. Per presentis publici Instrumenti seriem Cunctis appareat evidenter & sit notum quod Anno Domini Millesimo quingentesimo tricesimo secundo, Indictione quinta, Pontificatus Sanctissimi in Christo Patris & Domini nostri Domini Clementis Divinâ Providentiâ illius nominis Papæ Septimi Anno nono, Mensis vero Maii die decima sexta, in quodam Ambulatorio intra Ædes Excellentissimi & invictissimi in Christo Principis & Domini nostri Domini Henrici Octavi, Dei gratiâ Angliæ, & Franciæ Regis, fidei Defensoris, & Domini Hybernix Illustrissimi, prope Westmonasterium situato, Constitutus personaliter Reverendissimus in Christo Pater & Dominus, Dominus Willielmus permissione Divina Cantuariensis Archiepiscopus, totius Angliæ Primas, & Apostolicæ sedis Legatus, quandam Schedulam per ipsum & alios Episcopos, Abbates & Priores Domûs Superioris Convocationis Prelatorum & Cleri Provinciæ Cantuariensis Domo Capitulari infra Monasterium Westmonasteriense hesternâ die, viz. quintodecima die huius mensis Maii, tenta, inactitâta, concordatâ, & conclusâ eidem excellentissimo & Invictissimo Domino Regi presentavit, tradidit, & liberavit. Quam quidem

quidem Schedulam Illustris Dominus Thomas Dux Norfs, Thesaurarius Angliæ, tunc & ibidem coram, dicto excellentissimo Domino nostro Rege, Reverendissimoque Patre, Archiepiscopo, prædicto, nec non Reverendis Patribus, Dominis Joanne Lincoln, Joanne Bathon & Wellen, & Henrico Assaphen, Episcopis, Religiosisque viris Monasteriorum Sancti Albani, de Bury, de Hyder, Waltham, ac Merton Abbatibus, & Prioribus, in nostrorum Notariorum publicorum Subscriptorum & testium inferius nominatorum præsentis de mandato ejusdem Excellentissimi & Invictissimi Domini nostri Regis publicè perlegebat. Cujus quidem Schemulæ verus tenor sequitur verborum sequentium sub tenore. We your most humble subjects, daily Orators, and Beadsmen of your Clergy of England, having our special trust and confidence in your most excellent Wisdom, your Princely Goodness, and fervent Zeal to the Promotion of God's Honour, and Christian Religion, and also in your Learning far exceeding in our judgment, the learning of all other Kings and Princes that we have read of; and doubting nothing but that the same shall still continue, and daily encrease in your Majesty; *First* do offer and promise, *in verbo Sacerdotii*, here unto your Highness, submitting our selves most humbly to the same, that we will never from henceforth *Enact, put in Ure, Promulge, or Execute any new Canons or Constitution Provincial, or any New Ordinance Provincial or Synodal, in our Convocation, or Synod in time coming (which Convocation is always, hath been, and must be assembled only by your high Commandment or Writ) unless your Highness by your Royal Assent shall License us to assemble our*

Con.

Convocation, and to *Make, Promulge, and Execute* such Constitutions and Ordinances as shall be made in the same; and thereto give your Royal Assent and Authority. *Secondarily*, That whereas divers of the Constitutions, Ordinances, and Canons Provincial, or Synodal, which *hath bin heretofore enacted*, be thought to be not only much prejudicial to your Prerogative Royal, but also over-much onerous to your Highness Subjects, your Clergy aforesaid is contented if it may stand with your Highness pleasure, that it be committed to the examination and judgment of your Grace, and of thirty two Persons, whereof sixteen to be of the Upper and Nether house, of the Temporalty, and other sixteen of the Clergy; all to be chosen and appointed by your most Noble Grace: So that, Finally, which soever of the said Constitutions, Ordinances, or Canons, Provincial, or Synodal, shall be thought and determined by your Grace, and by the most part of the said Thirty two persons, not to stand with God's Laws and the Laws of your Realm, the same to be abrogated, and taken away by your Grace and the Clergy; and such of them as shall be seen by your Grace, and by the most part of the said thirty two persons, to stand with Gods Laws, and the Laws of your Realm, to stand in full strength and power, your Graces most Royal Assent and Authority once impetrate, and fully given to the same.

Super quibus omnibus & singulis tam dictus Inuictissimus Princeps Henricus Rex Angliæ, & Franciæ, Dominus noster supremus quam idem Reverendissimus Pater Archiepiscopus Cant. Nos Notarios Publicos subscriptos unum, vel plu-

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ra, Publicum, seu Publica, Instrumentum, sive Instrumenta exinde conficere instantè requisiverunt, & eorum uterque requisivit. Acta fuerunt hæc omnia & singula, prout supra scribuntur, & recitantur, sub anno Domini, Indizione, Pontificatu, Mense, Die, & Loco prædictis; presentibus tunc ibidem Nobilibus viris Dominis Georgio Bergavenny, Joanne Hust, Joanne Mordaunt, Baronibus, Wilhelmo Fitzwilliam, Milite, & Thomâ Cromwell, Armigero, Testibus ad præmissa rogatis, & specialiter requisitis.

Hoc Instrumentum retro scriptum erat subscriptum manibus trium Notariorum, viz. Magistri Willielmi Potkyn, Magistri Joannis Hering, & Thomæ Argall.

There are Two Copys of this Instrument in my Lord Longueville's Library, One Vol. XII. fol. 63. Another Vol. XXV. fol. 141. The First of these Volumes is a Collection of Various Forms, and Instruments, for the Use of some Publick Notary, and probably of *Argall* himself. The Second Volume is a Transcript of many of the same Forms, and of several Others, made by Mr *Beal*, Clerk of the Council to Queen *Elizabeth*. Before it in his Hand there is this Note; "Out of an *Old Book*, which I borrow'd of "Mr. *Saye*, whose Father was Principal "Register for Ecclesiastical Courts.

Both these Copys agree Entirely.

VI. (f)

An Extract from the Journals of the Upper House of Convocation, in relation to the Submission of the Clergy. See Additions. p. 16.

Sess. XCVII. **R** Everendissimus habuit Communionem super Quodam Libello Supplicationis per Communitatem Domus Inferioris Parliamenti, Regi factæ, contra Archiepiscopos, Episcopos, vel Ordinarios: Unde Reverendissimus putavit expediens ut Responsiones fierent ad hujusmodi Querelas. Quem Libellum tradidit Prolocutori ad perlegendum, ut ostenderet Opiniones suas de eodem.

Sess. XCVIII. Reverendissimus jussit Præmium prædicti Libri Supplicationis per Communitatem, legi publicè per Episcopum Stephanum Winton, & quadam Concepta Responsa eidem Proæmio. Deinde idem Stephanus legit duas quasdam particulas Articuli primi ejusdem Libelli Supplicationis, & duas quasdam conceptas Responsiones ad easdem Particulas; quæ ibi inscribuntur ad longum. Postea Reverendissimus fecit scrutari sigillatim Vota omnium Confratrum suorum de Responsionibus prædictis; Quas dicebant bene sibi placere: Quod & fecit Domus Inferior. Postea Reverendissimus recessit à Convocatione, & commisit Vices suas Episcopo London. & Winton. Qui fecerunt prædictas Responsiones rursùm legi
C
coram

coram Inferiore Domo, quæ petiit Copiam earundem Responsionum; & assignatus est dies Veneris ad inferendum Opiniones suas super præmissis Responsionibus.

Sess. XCIX. (19 Apr.) Coram Reverendissimo, &c. Lectæ sunt Responsiones ad Billam Inferioris Domûs, & post Introitum Prolocutoris rursùm perlectæ fuerunt Responsiones. Tunc Reverendissimus interrogavit an ipsi consentirent; Et consenserunt. Unde Reverendissimus voluit ut hujusmodi Responsa conscriberentur in mundum, ut possint cum celeritate tradi Regiæ Majestati.

Sess. CI. Episcopus London Commissarius, habitâ Communicatione de Responsionibus conceptis ad Schedulam Supplicationis Inferioris Domûs, continuavit —

Sess. CII. Reverendissimus, habito tractatu cum Fratribus suis & Prolocutore, &c. de Responsione ad Petitiones Communitatis, &c. descendebat, &c.

Sess. CIII. Reverendissimus, &c. tractavit inter eosdem & Prolocutorem de præscripto Libello Responsionum, &c. —

Sess. CIV. — Commissarius recitavit Voluntatem Reverendissimi super prædictâ Supplicatione & voluit Prolocutorem, &c. quòd concipiant Responsa sua in Scriptis; Et voluit eosdem ad comparandum die Mercurii.

Sess. CV. Quo die Episcopus London Commissarius accepit quatuor Libellos à Prolocutore super Auctoritate Ecclesiasticorum condendi Jura pro Suppressione Hæreseos conceptos, ut asseruit, per Eruditos Viros: & protestatus est se non exhibere eosdem ut approbatos Unanimi Consensu totius Domûs, sed ut ipse Reverendus Locum tenens & alii Episcopi eos perlegerent, & deligerent quæ maximè facerent ad Veritatem: Et rogavit

gavit Prolocutor, ut si Episcopi aliquid conciperent, quòd Inferior Domus conscia redderetur, priusquam auferretur. Et prædictus Locum tenens exponebat quòd Illustris Vir Dominus Tho. Norfolciæ Dux significabat eîdem Communitatem Laïcorum Domûs Communis Parliamenti concessisse Domino Regi sponte quandam Summam Pecuniæ, viz. a Fifteen, infra duos annos persolvendam : Unde suavit, quia Laïci tam proni sunt ex suâ spontaneâ Voluntate ad Subveniendum Necessitatibus Regiis, ut Clerus sese exhiberet non minus promptum & paratum. Unde monuit Prolocutorem, & alios consultare de eâdem materiâ, & redire cum Responsis suis. Quo factò descenderunt, & statim redierant, & dixerunt deliberandum esse pro Responsione faciendâ Regiæ Majestati ad Articulum concernentem Auctoritatem Ecclesiasticorum condendi Jura : Et rogaverunt ut aliqui adirent Regem, Supplices ut ipse præservare dignetur Libertates Ecclesiæ quas Ipse & Progenitores sui confirmarunt. Et supplicarunt Episcopis London. & Lincoln. quibusdam Abbatibus, & Decano Sacelli Regii, & Edwardo Fox Elemosynario Regis, ut ipsi adeant Regiam Majestatem supplicando pro universo Clero ; qui acceptarunt in se hujusmodi Officium. Deinde habitâ Communicatione de concessione alicujus summe Pecuniæ profecti sunt ad Aulam Regiam——

Sess. CVI. Reverendissimus post perlectam & Exhibitam Schedulam per Magistrum Fox, Elemosynarium, continuavit hujusmodi Convocationem ad Capellam S. Katharinæ, infra Dictum Monasterium ; ad quam Reverendissimus & ceteri Prælati immediate accesserunt ; & ibi denuò lecta fuit prædicta Scheda. Deinde continuavit dictam Convocationem ad prædictam Domum Capitularem

ad diem Lunæ 13 Maii. Et statim ex certis Causis dictus Reverendissimus cum Confratribus descendebant ab illâ Capellâ usque ad Capellam S. Dunstani, ac ibidem concordatum est quod Episcopi Lincoln. Bath. and Well. & Abbas S. Benedicti, nec non Magister Edw. Fox, Magri Powel, Wil-son, & Duck, in Sac. Theol. & Magistri Raynes, & Cliff, Juris Doctores, irent Episcopo Rossen. ad Hospitium suum ad maturè tractandum super contentis in hujusmodi Schedulâ. Et monuit eos ad comparendum coram eodem in die crastino horâ 8, loco quo dictus Reverendissimus solebat prandere quibusdam diebus tempore Parliamenti, ad certifi-candum & ostendendum eorum Opiniones. Qui Articuli prædictæ Schedule illic integraliter in-seruntur.

Sess. CVII. 13. Maii. Horâ primâ post Meridi-em concordatum est quod Articuli Responsionis va-lerent. Et contin. in Diem Mercurii. Deinde inseruntur submissio & Articuli Responsionum Cleri, &c.

Sess. CVIII. 15 Maii. Reverendissimus habuit secretam qaandam Communicationem. Deinde ostendebat quoddam Breve Regium sibi directum pro Prorogatione hujusmodi Convocationis. Quod Breve idem Reverendissimus publicè legebat, cujus Tenor ibidem inseritur. Prorogatio in 5 diem Nov. prox. fut. Quo factò intrarunt dictam do-mum Illastri Princeps Dominus Tho. Dux Nor-folc. Dominus Henricus Marchio. Exon, Dominus Johannes Comes Oxon, Dominus Sands Cameru-rius, & Dominus Bullen, & Dominus Rochford: Et habitis Secretis Communicationibus cum Re-verendissimo & aliis Patribus & Prælatiis per spa-cium unius horæ, inde recesserunt; & tunc intra-vit Prolocutor cum Clero. Ubi Reverendissimus interrogavit,

interrogavit, quid ipse sentiebat de quâdam Schedulâ sibi traditâ, cujus Tenor inseritur. Unde Prolocutor introduxit Numerum Affirmantium, numerum Negantium, & Numerum Referentium, quantum ad Tres Articulos prædictos. Quibus gestis Reverendissimus dixit se expectare regressum prædictorum Dominorum à Regiâ Majestate & monuit eos ut descenderent in Domum Inferiorem. Et paulò post præfatus Dux, &c. intraverunt Domum Capitularem tempore Prandii, & habuerunt tractatum intereundem Reverendissimum, & alios Episcopos; & inde recesserunt. Et dictus Reverendissimus cum Confratribus suis permanebat in Prandio in dictâ Domo Capitulari usq; ad Horam primam post Meridiem ejusdem Diei. Et finito prandio, intraverunt quidam Prælati & perlegerunt quandam Schedulam conceptam Anglicè, cujus Tenor sequitur, &c. Post cujus Lektionem Reverendissimus interrogavit eorum consensum: Qui omnes respondebant se consentire: Episcopus Bathon. tamen dissensit. Quam Schedulam Reverendissimus tradidit Cancellario suo, ut ipse proponeret eam in Domo Inferiore. Et deinde perlegit Breve Regium antedictum coram Prælatiis, & mandavit Willielmo Potkyn, ad intimandum dictam Prorogationem Prolocutori.

XVI. Maii Anno 1532. Reverendissimus tradidit Domino Regi Schedulam per Ipsum & Alios Inactitatam & Conclusam, cujus Tenor sequitur integraliter: Unde fiebat Publicum Instrumentum per Notarios quosdam.

That Transcript of the Acts of Convocation, from whence these Notes are taken, was made about the Beginning of Q. Eliz.

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All the Other Circumstances in the Account given of the Clergy's Submission not found in these Acts, are supply'd by a later Extract from the same Journals of the Upper House, taken partly in *Latin*, and partly in *English*; and now in my Hands.

VI. (g)

Rot. Cl. 27 H. 3. m. 7. dors.

See Additions, p. 31.

REX Priori & Conventui S^a Trin. Cant. Sal.
 Ex insinuatione quorundam Episcoporum de regno nostro, suffraganeorum Cant. Ecclesie nobis innotuit quod finibus vestris non contenti manus ad ea quæ ad Dignitatem pertinent Archiepiscopatem, aliter quam deceret, extendere nitimini, quantum in vobis est, intendentes Libertates Ecclesiarum suarum hætenus obtentas adnulare; & Ipsi ac Subditis suis quasi Fugum quoddam Servitutis imponere, non solum in grave ipsorum præjudicium, sed & manifestam Regiæ Dignitatis Læsionem, ut asserunt: Cupientes igitur sic ipsis Regni nostri Prælati, qui nostrum inde Consilium invocarunt, adesse, quod vobis aut Ecclesie vestræ Furi non videamus præjudicasse, Devotionem vestram monendam duximus & rogandam, Vobis etiam singulis & Universis Consulimus & Mandamus, sicut aliàs mandavimus, quod Articulos qui Materiam Contentionis inter Vos relinquunt, utpote insolitos, & hucusque, ut dicitur, inauditos teneatis in suspenso, quousq; in Angliam revertamur;

revertamur, ut tunc, Convocato Concilio Totius Regni nostri liberiùs deliberemus, qualiter super tam Arduo Negotio Vos ad Concordiam revocemus. Mandavimus etiam Eborum Archiepiscopo, Karlioli Episcopo, & W. de Cantilupo, quòd nihil Novum & Insolitum, vel aliquid quo usi non fuistis die quo ultimò transfretavimus, vel antea, in perturbationem Cleri, & Regni nostri Vos interim Attemptare permittant; in quo non intendimus Furi vestro in aliquo derogare. T. R. apud Burd. 26 Jun.

Et mandatum est Ebor. Archiepiscopo, Karlioli Episcopo, & W. de Cantilupo quòd Articulos singulos qui materiam contendendi inter ipsos Suffraganeos, & dictos Priorem & Monachos relinquunt, teneri faciant in suspenso, quousq; Rex in Angliam revertatur; & quod non permittant ipsos Priorem & Conventum aliquid Novum, Indebitum, aut insolitum, quo usi non fuerint, temporibus Prædecessorum Regis, & suo, interim attemptare. Teste, ut suprâ.

VI. (b)

An Injunction from King H. VIII. See Additions, p. 32.
Anno 1536.

By the King,

Right Reverend Father in God, &c. we greet you well. And forasmuch as We being by the Ordinance of God King of this Realm, and by Virtue thereof Supreme Head of the Church of the same, it appertaineth to our

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Duty

APPENDIX.

Duty to provide and see that Unity, Concord and Agreement may remain among our Subjects Members of that Politique Body, whereof We be the Head, especially in Opinion and Sentence of our Religion. Albeit considering that upon Contentions arisen among our People in Diversity of certain Opinions, we have conformably to our said Duty, for the perfect setting forth of the Truth of God's Word, the Suppression of Errors, and the reducing of such Controversies to one good Catholick Conformity caused all You the Bishops, with the Clergy of our Realm in solemn Convocation deliberately disputing and advising the same to agree to certain Articles most Catholique conceived: Yet to the intent that our Godly Purpose in that behalf, minding only the Unity that God's Holy Word doth require, should not by any Mean be impeached, ne by the Malice of any Seditious Persons, *attempting*, before the same shall be thoroughly published and divulged, to expound the Device thereof, after their fantastical Appetites in any wise defaced or slandered; we have thought convenient to take a General Order that no Sermons shall be made or preached between this and *Michaelmas* next ensuing, in any Church, Chappel, Monastery, Colledge, or other Place within this our Realm; unless it be by You our said Bishops in your Own Persons, or in your Presence, or in your Cathedrate Churches, where Ordinary Sermons be accustomedly made: Which Ordinary Sermons we Will and Command You to furnish with such Discreet, Learned and Honest Parsonages, as Ye will Your selves answer for unto us, in case any Inconvenience ensue of their Documents and Teachings.

Teachings. And therefore our Pleasure and Commandment is, that, immediately upon the sight hereof, ye shall not only call in all such Licenses as ye have to any Person or Persons granted heretofore for Preaching within your Diocese, but also that ye shall therewith give strait Charge and Commandment expresse in your Name to all the Curates and Governors of Religious Houses and Colledges within your whole Diocese, that none of them *attempt*, or presume to make any Sermons or Collations to the People in any of their Churches, or elsewhere, ne suffer any Person to make any such, during the time afore-limited; ne yet suffer any manner of Conventicles or private Communications, Arguments, or Disputations of any such Matters: but that They and every of them shall pass on the time with a secret Silence, till Ye shall after otherwise advertise them by your Commandment. And as concerning such Sermons as be Ordinary in your Cathedrate Church; we will ye shall see them furnish'd with such Personages as you will your selves answer for, as is expresse'd. And in case any Person or Persons shall presume, or *attempt* to make any Sermon or Collation, or privily to intermeddle with the Teaching and Instruction of our People contrary to the Premises, our Pleasure is, that the same being lawfully examined and by sufficient Testimony and Witness duly proved, ye shall commit him or them so offending to Ward, there to remain till further Knowledge of our Pleasure. And to the intent that all Diversity in the manner of Teaching and Preaching may be avoided and eschewed as a thing most offending our People, and that Conformity may ensue in the Lieu thereof,

thereof, that shall be agreeable to the Pleasure of Almighty God, we will that ye shall give Commandment to all the Curates and other before express'd from henceforth every *Sunday* to make their Prayer in Form following; that is to say: "Ye shall Pray for the whole Congregation of Christ's Church, and specially for this Church of *England*; wherein first I recommend to your devout Prayers the King's most Excellent Majesty, Supreme Head immediately under God of the Spirituality and Temporality of the same Church, and the most Noble and Vertuous Lady Queen *Jane*, his most Lawful Wife. Secondly, Ye shall Pray for the Clergy, the Lords Temporal, and the Commons of this Realm, beseeching Almighty God to give every of them in his Degree Grace to use themselves in such wise as may be to his Contentation, the King's Honour, and the Weal of the Realm. Thirdly, Ye shall Pray for the Saints that be departed, abiding the Mercy of Almighty God, that it may please him the rather, at the Contemplation of our Prayers to grant them the Fruition of his Presence.

Finally, our Pleasure is, Ye shall also give special Commandment unto every of the said Curates and other Persons before specified, that none of them presume after the Day limited to Preach any thing touching any of the said Articles which before that time they shall receive; but only to read the same as they shall be sent unto them, without adding or diminishing to or from the same, as they will answer at their Perils that shall so offend to the contrary hereof; Unless they have your License under your Seal to explicate the same at more length; in which

Case

Cafe we will charge you with the Success of the same. Given under our Signet, at our Mannor of Westminster the 12th day of July.

To the Right Reverend Father in God, our right trusty and well beloved Counsellor the Bishop of Hereford.

E Registro Fox. Epi. Heref. fol. 6, 7.

VI. (i)

See Additions, *ibid.*

An Article omitted in the Copy of the Injunctions given us by Bishop Burnet, Vol. 1. Coll. of Rec. p. 160.

ITem, That every Parson or Proprietary of any Parish-Church within this Realm shall on this side the Feast of St. Peter ad Vincula next coming, provide a Book of the whole Bible both in *Latin* and also in *English*, and lay the same in the Quire, for every Man that will to read and look therein, and shall discourage no Man from the reading any part of the Bible, either in *Latin* or in *English*; but rather comfort, exhort, and admonish every Man to read the same as the very Word of God, and the Spiritual Food of Man's Soul, whereby they may the better know the Dutys to God, to their Sovereign Lord the King, and their Neighbour: Ever gently and charitably exhorting that using a sober and a modest Haviour in the reading and Inquisition

Inquisition of the true Sense of the same, they do in no wise stiffly or eagerly contend or strive one with another about the same, but refer the Declaration of those Places that be in Controversy to the Judgment of them that be better Learned.

This Paragraph of the Injunctions comes in before That—*Also the said Dean, Parsons, Vicars, &c.*

A mistaken Article in my Lord of Sarum's Transcript of Bonner's Injunctions (Vol. 1. Coll. Rec. p. 253.) set right from that Bishop's Register. f. 39. a.

“ Item, That no Parsons, Vicars, ne Curates,
 “ permit or suffer any manner of Common-plays,
 “ Games, or Interludes to be play'd, set forth,
 “ or declared within their Churches or Chap-
 “ pels, where the Blessed Sacrament of the Al-
 “ tar is, or any other Sacrament ministred, or
 “ Divine Service said or sung; because they be
 “ Places constitute and ordained to well disposed
 “ People for Godly Prayer and Wholefom Con-
 “ solation. And if there be any of your Pa-
 “ rishoners, or any other Person or Persons that
 “ will obstinately or violently inforce any such
 “ Plays, Interludes, or Games to be declared,
 “ set forth, or played in your Churches or Chap-
 “ pels contrary to this our forbidding and Com-
 “ mandment, that then You or either of You in
 “ whose Churches or Chappels any such Games,
 “ ‘ ‘ Plays

“Plays, or Interludes shall be so used, shall immediately thereupon make relation of the Name of the Person or Persons so obstinately and disobediently using themselves unto Me, my Chancellor, or other my Officers, to the Intent that they may be therefore reformed and punished according to the Laws.

After Article XII. of the Appendix, add

XII. (a)

5 E. 2. Claus. dors. m. 25. Rex, &c. Archiepiscopo Cant. &c. Sal. *Ad instantiam quorundam Prælatorum, Comitum, & Baronum de Regno nostro, nobiscum in Parlamento nostro London huc usq; commorantium, ac desiderantium propter diutinam moram suam inibi factam ad partes proprias se transferre, & de ipsorum Consilio & Assensu Parliamentum illud usque ad diem Veneris proximum post Festum Omnium Sanctorum prox. futur. apud Westminster. celebrandum, duximus continuandum; & quibusdam de Prælatibus, Comitibus, Baronibus prædictis Licentiam concessimus se interim ad propria divertendi; ita videlicet quod sint apud Westminster, ad dictum diem Veneris ad ultimum, Nobiscum ibidem, ac etiam Nobiscum, ac cum ceteris Prælatibus, ac Comitibus, Baronibus, & aliis fidelibus nostris de Regno nostro prædicto, qui Nobiscum intererunt tunc ibidem, super diversis & Arduis Negotiis Nos & statum Regni nostri tangentibus tractaturi: Et insuper ad hujusmodi Continuationem Parliamenti nostri prædicti apud Westminster, interim faciendam venerabilis Patris W. Wigorn. Episcopum Cancellarium nostrum, & Joh. Bathon. & Well. Ep.*

See p. 230.
1 Ed.

Ep. & dilectum & fidelem nostrum Henr. de Percy, dilectumq; Clericum nostrum Joh. de Sandale Thesaurarium, Justiciarios, & quosdam alios Fideles nostros deputavimus loco nostro. Et quia in tractatum negotiorum predictorum in Parlamento predicto vestram presentiam per quam necessariam reputamus, Vobis mandamus rogantes quod dicto die Veneris ad ultimum sitis apud Westminster in propria persona vestra Nobiscum, & cum ceteris Prelatis, Proceribus, & Fidelibus supradictis super memoratis negotiis tractaturi, vestrumq; Consilium impensuri. Et ut negotia predicta feliciter Exitum sortiantur, Vobis similiter mandamus rogantes, quod pramuniatis Decanos, & Priores Ecclesiarum Cathedralium, ac etiam Capitula, nec non Abbates, Archidiaconos, ac totum Clerum vestre Dioces. totiusq; vestre Prov. Cant. quod iidem Decani, Priores, Abbates, & Archidiaconi in propriis Personis suis, dictaq; Capitula & Clerus per Procuratores sufficientes plenam potestatem ab eisdem Capitulo & Clero hiis quæ in Parlamento predicto ordinari contigerit consentiendi habentes, eidem Parlamento in Octabis Sⁱ Martini prox. fut. modis omnibus exhibeant se presentes. Teste Rege apud London. 8 die Oct.
Eodem modo mandatum est Vicario Generali Archiepiscopi Ebor. ipso Archiepiscopo in remotis agente.

See Dugdale's Summ. pp. 77, 78.

XII. (b)

See Additions to
p. 23c.
I Edit.

Rot. Cl. 5. E. 2. m. 25. dors. Rex, &c. Archiepiscopo Cant. &c. Sal. Cum nuper Parliamentum nostrum, quod tenendum Londini fecimus summoneri usq; in diem Veneris prox. post festum Omnium

um Sanctorum prox. fut. quibusdam de Causis apud Westminster celebrandum duxerimus continuandum, & vobis mandaverimus rogando quod dictis die & loco personaliter essetis Nobiscum & cum ceteris Prelatis & Proceribus de Regno nostro super diversis & arduis Negotiis Nos & Statum dicti Regni tangentibus tractaturi; quodq; premuniretis Decanos, & Priores Ecclesiarum Cathedr. ac eorum Capitula, nec non Abbates, Archidiaconos, & Totum Clerum vestre Dioc. totiusq; vestre Prov. Cant. ad interessendum Parlamento predicto in Octabis S^{ci} Martini prox. fut. prout in Brevi nostro Vobis inde directo plenius continetur: Ac quedam Verba in dicto Brevi inserta Vobis displiceant, sicut intelligi nobis datum est; & quod Tempus minus breve Vobis videtur ad Præmunitionem hujusmodi faciendam: Scire Vos volumus quod intentionis nostræ non existit, nec existit, quod per aliqua verba in dicto brevi nostro apposita Vobis vel Ecclesiæ vestre præjudicium aliquod generetur. Unde siquod Verbum præjudiciale in dicto Brevi contineatur, illud in dicto Parlamento modo debito corrigi faciemus. Vos igitur rogamus, quod si dicta præmunitione ad dictas Octabas commodè fieri non possit, tunc eam ad Quindenam, vel Tres Septimanas post dictum festum S^{ci} Martini, prout Vestra Discretio faciendum viderit, fieri facias, ne propter absentiam dictorum Prelatorum & Cleri Negotia prædicta (quod absit) aliquantulum retardentur.

T. R. apud Eltham 24. die Oct.

After

After Numb. XIV. in the Appendix add,

XIV. (a)

Petitio facta Archiepiscopo & ejus
Suffraganeis per Clerum Cant. Prov.
die Merc. prox. post festum S.
Dunstani. A. D. 1314.

See Addi-
tions to p.
231. l. 18.
1 Ed.

Super eo, Rev. Pater, quòd Citationem circa
quam versamur, cum Ecclesiæ vestræ Cant.
totiq; Ecclesiæ Anglicanæ præjudicialis existat Vos
subdukturos liberaliter promissistis, datâ Optione
aut ulterius nunc tractandi, aut ritè faciendam
citationem aliam expectandi, heri, sicut nunc
Abbates, Priores, Decani, Archidiaconi, Capitu-
lorum & Cleri Procuratores nunc presentes Gra-
tiarum actiones retulerunt Paternitati vestræ, &
referunt multiformes, humiliter supplicando ut
Citatione hujusmodi efficaciter subduktâ, & Clerum
per eam non arctari declarato, sibi, proût elege-
runt, & eligunt, liberam recedendi Licentiam con-
cedatis: præsertim cum Citatione hujusmodi sub-
duktâ, quæ absque præjudicio prædicto subsistere
non poterit ullo modo, qui conveniunt Procurato-
res quicquam ulterius faciendi non habeant pote-
statem. Pro Domino nostro Rege apud Altissimum
insistimus, & devotis precibus insistemus, ut ipsum
sic protegat & dirigat in agendis quòd suscepta
regni gubernacula sub ipsius regimine sint tran-
quilla, & hostes regni qui in suâ feritate confi-
dunt, dextræ dei potentiâ comprimantur. Et quia
quædam Comminationes per quosdam Laicos qui-
busdam personis Ecclesiasticis in instanti Congre-
gatione

gatione presentibus sunt factæ occasione propositorum & petitorum à Vobis, humiliter supplicant Paternitati vestræ Prælati & Clerus superscripti, quatenus illos Laicos ab huiusmodi Comminationibus cohibere, & eos monere quòd à talibus Comminationibus & quibuscunque Compulsionibus pro petito subsidio factis totaliter desistant, dignetur vestra Paternitas Reverenda. Vobis etiam Dominis Patribus reverendis Episcopis hic presentibus devotè similiter supplicando quòd una nobiscum apud Rev. Patrem Prædictum precibus Votivis instare velitis, ut Petitiones & Supplicationes nostras ex Paternâ benignitate admittere & eas effectui debito [velit] mancipare: Supponentes omnes & singulos de Congregatione & clero prædicto in quocunque Gradu consistant protectioni & tuitioni Dei, & ipsius Vicarii in terris, & sue Sedis, ne alicui eâ occasione gravamen inferatur per quemcunque Non intendentes rationes propositas discutere vel etiam disceptare, eò quod firmiter tenemus quod super hiis sit agendum vestram reverendam Paternitatem non latere.

Instead of Numb. XIV. (f) in the Appendix place this Form:

XX.

Litera Simonis Archiepiscopi pro Convocatione Cleri apud Winton. 5 Id. Martii, Anno 1330.

Simon. &c. Venerabili Fratri nostro Domino S.
 Dei gratiâ Lond. Episcopo, Sal. &c. Ex assumptâ sollicitudine Pastoralis Officii multoties cogimur

APPENDIX.

gimur pro varietate temporum & urgentibus Ecclesie & Regni Negotiis cum Prælatiſ & Clero Noſtræ Prov. communem habere tractatum: Inſtans enim Reipublicæ magna Neceſſitas, &c. Inevitabiliter nos impellunt Prælatos & Clerum noſtræ prov. Prædictæ juxta effectum Brevis Regii convocare. Quod quidem Breve 4. Id. Febr. recepimus Tenorem continens inſcriptum. Edvardus d. g. &c. S. Arch. &c. Cum pro arduis & magnis Negotiis Nos & Statum Regni noſtri multipliciter contingentibus Parliamentum noſtrum apud Winton. die dominicâ prox. ante feſtum S. Gregorii Papæ proximò futurum tenere & Vobiscum & cum cæteris Prælatiſ, Magnatibus, & Proceribus dicti regni habere diſpoſuimus Colloquium & Tractatum; & Vobis mandaverimus in fide & dilectione quibus nobis tenemini quòd omnibus aliis prætermiſſis dictis die & loco perſonaliter interſiſs Nobiſcum ac cum cæteris Prælatiſ, Magnatibus, & Proceribus prædictiſ ſuper dictiſ negotiis tractaturi, veſtrumque Conſilium impenſuri: Et licet ſingulis Episcopis injunxerimus quòd quivis eorum præmuniri faciat Priores, Decanos, & Capitula ſuarum Eccleſiarum Cathedralium, nec non Archidiaconos & Clerum ſuarum Dioceſium quòd iidem Priores, Decani, & Archidiaconi in propriis Perſoniſ ſuiſ, & quodlibet Capitulum prædictorum per Unum, Cleruſque cujuſlibet Dioceſeos per duos Procuratores ſufficientem poteſtatem ab ipſiſ Capitulo & Clero habentes ſint in dicto die apud locum prædictum ad conſentiendum hiis quæ tunc ibidem communi Conſilio Regni noſtri contigerit ordinari. Nolentes tamen Negotia noſtra prædicta præ deſectu Præmunitionum prædictarum, ſi forſan minùſ ritè factæ fuerint, aliqualiter retardari, Vobis mandamus rogantes quod

quod pramuniri faciatis Priores, Decanos & Capitula Ecclesiarum Cathedralium, ac etiam Archidiaconos, & totum Clerum vestra Prov. quod iidem Priores, Decani, & Archidiaconi in propriis Personis suis & quodlibet Capitulorum illorum per unum, & Clerus cujuslibet Dioceſeos per duos Procuratores ſufficientem Potestatem ab ipsis Capitulo & Clero habentes ſint in dicto die apud dictum locum ad conſentiendum hiis quæ tunc ibidem de communi Conſilio Regni noſtri ordinari contigerit, ſicut prædictum eſt. Et hoc nullatenus omittatis. Teſte meipſo apud Eltham 26 die Jan. Anno Regni 4to.

Nos igitur tanto promptius & favorabilius Votis Regiis deliberato conſilio fore conſpicimus annuendum quod firmiſſimè ſperamus Tractatum hujusmodi Eccleſiæ Anglicanæ & Eccleſiaſticis Perſonis non modicè profuturum. Quo circa Fraternitati veſtræ committimus & mandamus quatenus cum debita celeritate Conſratribus & Coepiſcopoſtræ Prov. Cant. Suffraganeis, ſeu eorum in ipſorum abſentiâ Vicariis, vice & Autoritate noſtrâ injungatis ſeu injungi faciatis, ut iidem Episcoppi omnes & ſinguli in ſuis Dioceſibus citent ſeu citari faciant peremptoriè Priores, Decanos, & Capitula Eccleſiarum Cathedralium, Archidiaconos, clerumq; cujuslibet Dioceſeos eorundem, quod iidem Priores, Decani, & Archidiaconi in propriis perſonis ſuis, Capitula hujusmodi ſingula per ſingulos Procuratores, Clerus autem cujuslibet Dioceſeos per duos Procuratores ſufficientes compareant coram nobis in Eccleſiâ Cathedrali Winton. 5. Id. Martii prox. futur. cum continuatione & prorogatione dierum tunc ſequentium & locorum, ad tractandum una Nobiſcum & cæteris Prælatiſ ſuper urgentibus Eccleſiæ Anglicanæ atq;

D 2

Regni

Regni negotiis in Parlamento prædicto diffusius pertractandis, nec non ad consentiendum hiis quæ ad honorem Dei & Ecclesiæ suæ sanctæ ac Utilitatem totius Reipublicæ & Regni prædicti divinâ disponente clementiâ ibidem contigerit salubriter ordinari. Vos etiam dictum nostrum mandatum, quatenus Vos, & Decanum, & Capitulum vestrum, Archidiaconos, & Clerum vestra Dioceseos attinet, per omnia fideliter observari faciatis, ac etiam observetis. Et ne Mandatum nostrum hujusmodi per aliquorum Machinationem, vel Negligentiam eludatur, Vobis ut supra injungimus quod Coepiscopis nostris & Suffraganeis omnibus & singulis consimiliter injungatis ut singuli eorum de suis Executionibus cum Citatorum nominibus die & loco prædicto nos plenariè certificent, quatenus pertinet ad eosdem. De die verò receptionis præsentium, & quid in Executione præsentis mandati feceritis nos dictis die & loco distinctè & apertè certificetis per Literas vestras Patentes harum Seriem & Citatorum nomina plenariè continentes. Dat. apud Mortlack 3. Id. Febr. Anno 1330. & nostræ Consecrationis 2º.

After the *Forma Eligendi & Præsentandi Prolocutorem*, in the *Appendix*, place this Instrument :

XXIV.

The Queen's Ratification of the Canons in 1597.

REGINA omnibus ad quos, &c. Salutem.
Cum Nos auctoritate nostrâ Regiâ per Breve

ve nostrum Reverendissimo in Christo Patri.
*Job. Arch^o. Cant. direct^r gerens datum 23 die
mensis Augusti, anno regni nostri 39 dicto Arch^o.
mandaverimus, eidemque Licentiam concesseri-
mus quod Convocari faceret singulos Episcopos
sue Provinciæ ac Decanos Ecclesiarum Cathedra-
lium, nec non Archidiaconos, Capitula & Colle-
gia, totumq; Clerum cujuslibet Diocef. ejusdem
Prov. ad comparend^r coram eo certis Locis &
Temporibus in dicto Brevi expressis ad Tractand^r
Consentiend^r & Concludend^r super quibusdam
Arduis & Urgentibus Negotiis in dicto Brevi men-
tionatis; Cùmque prædictus Archiepiscopus, E-
piscopi, & reliquus Clerus in dicto Brevi men-
tionati juxta Tenorem ejusdem Brevis conven-
erint Diebus & Locis ad hoc ipsum juxta Breve
prædictum designatis, ibique inter se certa qua-
dam Capitula sive Constitutiones ad rem Ecclesi-
asticam imprimis pertinentia ex nostrâ Licentiâ
tractaverint, ac de & super eisdem consenserint,
eaque nostræ Regiæ Majestati humiliter obtule-
rint, Petentes, ut Nos eisdem Capitulis sive Con-
stitutionibus Assensum nostrum Regium præbere-
mus, juxta formam cujusdam Statuti, seu Actûs
Parliamenti Nobilissimi & Clarissimi nostri Patris,
Regis H. 8. anno regni sui 25. super eâ re editi,
eademq; Auctoritate nostrâ Regiâ Confirmaremus;
Quorum Capitulorum, sive Constitutionum Tenor
sequitur in hæc Verba: " Capitula, sive Consti-
" tutiones Ecclesiasticæ per Archiepiscopum, E-
" piscopos, & reliquum Clerum Cant. Prov. per
" Breve Regium in Convocatione, sive Synodo
" congregatos inchoatâ Londini 25 die mensis Oct.
" A. D. 1597. Juxta formam Brevis prædicti
" tractatæ, Regiæq; Majestati per eosdem humi-
" liter Oblatæ, cum Petitione, ut eadem Regia*

E

" Ma-

" *Majestas eisdem Assensum suum Regium pra-*
 " *beret, juxta formam cujusdam Statuti sive Actûs*
 " *Parliamenti in eâ parte antehâc editi, eaque*
 " *Auctoritate suâ Regiâ Confirmaret. UT homi-*
 " *nes Idonei ad sacros Ordines & beneficia, uti vo-*
 " *cant, Ecclesiastica admittantur. Primò cautum*
 " *est, &c. puniatur. NOS igitur dictis Capitulis*
sive Constitutionibus per Nos auditis, lectis, &
diligenter consideratis, quoniam utilia esse Clero
nostro, totique hujus regni nostri Ecclesie profutu-
ra certò persuasum habemus, Idcirco nos de speci-
ali nostrâ Gratiâ, certâ Scientiâ, & [mero] Mo-
tu nostris juxta formam Statuti seu Actûs Par-
liamenti prædicti Capitulis seu Constitutionibus
prædictis ac omnibus & singulis in eisdem conten-
tis, prout superius scribuntur, Assensum no-
strum Regium præbuimus, ac præbemus per præ-
sentes, eademque per Literas nostras Patentes
ratificamus, confirmamus, ac stabilimus, ipsaq;
Capitula seu Constitutiones ab omnibus regni no-
stri Subditis utriusq; Prov. Cant. & Ebor. quate-
nus eorum aliquem concernunt, diligenter Exe-
quenda ac Observanda Auctoritate nostrâ Regiâ
proponimus, promulgamus, & per has Literas
nostras Patentes sic per eos observari & exequi
præcipimus, injungimus, & mandamus. In cu-
jus rei, &c. T. R. apud Westminster. 18 die Ja-
nuarii.

per Ipsam Reginam.

F I N I S.

Printed for **Tho. Bennet.**

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P. Ag. 39. l. 27. *when this began, I know not*] I know well that the Establishment of this Practice was by 27 H.8. c. 26. But I am speaking here of the first Rise of it in Elder Times, when *Wales* was first acquir'd to the Crown of *England*, and Summons issu'd for its Representatives to attend the *English* Parliament. Even then, I take it, that but one Knight was call'd by the King from a Shire, as but one Proctor by the Archbishop from the Clergy of a Diocese to his pure Ecclesiastical Meetings. And I suppose that the Clause *Premunientes*, in the *Welsh* Bishops Summons to Parliament might at first be so contriv'd, tho' I know afterwards it Summon'd the same Numbers as were order'd by the same Clause to come from the *English* Diocesses.

P. 40. l. 21. *In the Rolls of Parliament call'd the Commons Spiritual of the Realm.*] And in the *Registers of Convocation* too; of which take a very remarkable Instance in the Acts of the Convocation of *Novemb. 9. 1377.* where the Great Men that came to open the King's Wants, are represented as saying, that he could not subsist *sine magno subsidio per Proceres, Prælatos, & alios Communes, Clericos & Laicos eidem solvendo.* *Sudbury, fol. 40. b.* And when the Clergy 4. *Non. Dec. 1377.* grant a Tenth, they do it under this Condition, *Ita quod Domini & Cummunes Temporales solvant & concedant dicto Domino Regi Decimam quintam:* and so another Xth agen, upon Condition, *si Domini & Communes Temporales concedant aliam quintam decimam.* *Ibid. fol. 44. b.*

P. 46. l. 14. *More solito*] I cannot tell whether these words will bear all the stress I have laid on them.

G

P. 51.

P. 51. l. 1. In the Latter Acts of Convocation.] And in the Elder ones too : for near an hundred years before this in the Convocation held 2 Feb. 1452. John Stokes the Archbishop's Auditor General being chosen Prolocutor, it is said of him, *Qui quidem Electus Onus hujusmodi in se assumere, quoad potuit, tanto oneri se Imparem ostendendo, recusare pro viribus satagebat* ; and at last, *Onus hujusmodi Nolens Volens assumpsit*, says the Register of Kemp, fol. 221. a. *

* See like Instances, Reg. Bourchier, Con. 6. May, 1460. fol. 13. b. Morton, fol. 34. a. Convoc. 13. Febr. 1486. & fol. 42. b. Convocat. 14. Jan. 1488.

Whether the Convocation took this Disabling Fashion from the Parliament, or the Parliament from the Convocation, I cannot say ; but should be inclin'd to think the Latter, because I find the Popish Clergy dealt much in these Forms, upon Other Occasions. For Example, in taking a Bishoprick ; these are recorded to have been the self-denying Expressions, us'd Anno 1294. by John de Monmouth. —

In Dei nomine, Amen. Ego Joh. de Monumetâ, Canonicus Lincoln. nolens divinæ resistere voluntati, neq; mandatis seu Præceptis Superiorum meorum Licitis & Honestis aliququaliter refragari (cùm durum sit contra stimulum Calcitrare), sed eisdem pro fragilitatis meæ viribus humiliter obedire, ad honorem Dei, & beatæ Mariæ Virg. & omnium Sanctorum, Provisi-
oni de Me quamvis minùs digno in Episcopum Landav. per Venerabilem Patrem Rob. d. g. Cant. Arch. &c. auctoritate Sedis Apostolicæ nuper factæ in hiis Scriptis Nolens Volens consentio, & Collum meum suavi Jugo ac Servituti Domini in hac parte sub-
mittere non formido. Registr. Winchelf. f. 160.

P. 53. in Marg. These [the Cathedral-Priors] for a long time after the distinction of two Houses of Convocation sat in the Lower House.] So indeed Anth. Harmer says (p. 34.) on whose Authority I re-

I rely'd. But upon a strict search into these matters, I have not been able to find any Instance, wherein the Priors of Cathedral-Churches are mention'd as constituent Members of the Lower House. In *Arundel's* time, it is plain, they sat in the Upper: and must therefore have been call'd up thither soon after the Division of the Two Houses.

Ad p. 54. l. 32.] Thus agen *Ant. Brit. f. 326. l. 25.* * The Convocation is said to have been Prorogu'd from 6. *Kal. Maii*, to 5. *Oct.* But 6. *Kal. Maii*, is mistaken for 16 *Kal. Jun.* and *Oct.* for *Nov.* The true Dates of that Prorogation being from *May 15. to Nov. 5.* as appears from the Acts of that Meeting.

* *Edit. Harl. nov. Both these Errors are also in the Edition of London.*

P.80. l.14. "*Wolsey's* Legatin Character, Un-
"authoriz'd by the Crown] He seems to have had the Broad Seal for the Exercise of this Character. But That could not be produc'd, and so the Clergy, who submitted to his Character, were, on this account, as lyable to Punishment, as if no such Broad Seal had been granted.

Addit. P.22. l.10.] As Legislators they are further commanded not to Enact, Promulge, or Execute] The Execution of a Canon is not, I confess, properly speaking, an Act of Legislation; being done out of Synod: but may however be reduc'd to it, as a Natural and Immediate Consequence of it: and is indeed it self a Synodical Act, if the word *Execute*, be taken in a loose sense for commanding the Execution of what was before Enacted, and Promulg'd.

Addit. P.23. l.2. add] Nay, above 500 years ago the word was in this Determinate sense employ'd by Pope *Alexander* the 3d, in a Decretal

Epistle of his to the Bishop of London ; which is so short, and yet so full to the purpose, that I judge it worth Transcribing intirely into these Papers, from the Tomes of the Councils, where it now lyes before me. *Append. ad Conc. Lat. III. Par. 24. de Excessibus Episcoporum, &c. Cap. I.*

Ad Aures nostras noveris pervenisse quòd quidam Archidiaconi tui, Te inconsulto, contra consuetudinem Ecclesiæ sibi commissæ, Personas in Ecclesiis instituerunt ; & sic in Ecclesiis, vel eorum portionibus, nunc Filios, nunc alias Personas, & Vicarios instituere non verentur. Volentes itaque, pro Officii nostri debito, in irritum deducere quod contra Juris Ordinem Attemptatur, auctoritate Apostolica Tibi duximus injungendum, ut si iidem Archidiaconi, post Prohibitionem Tuam inde factam, Instituerint, sine Mandato & Auctoritate vestrà, aliquos in Ecclesiis in quibus Patres eorum ministrasse noscuntur, aut Personas alias, aut Vicarios, cum id sit Canonice Sanctioni contrarium, Liberum Tibi sit, nullius Contradictione vel Appellatione obstante, Institutiones hujusmodi penitus irritare, & taliter Institutos removere ab Ecclesiis.

Additions, P. 37. l. 14. To make a Canon, does, in the sense of the Statute, signifie, to Enact it, and not meerly to draw it up, and to form it.] There are several other Passages, besides those I have taken notice of, in the Body of the Act, where the word, Make, is manifestly so employ'd ; One, in the First Proviso, which takes care, that " No Canons shall be made, or put in Execution by authority of the Convocations of the Clergy, &c. Here by making a Canon is to be understood all that is done in Synod towards Authorizing and Establishing it ; by putting

ting in Execution, all that is done afterwards, out of Synod, towards *putting in practice* a Canon thus authoriz'd and establish'd. Agen, the Last *Proviso* orders that the Old Canons "shall still be Us'd and Executed, as they were *afore the making* of this Act; that is, doubtless, as they were, before the *Enacting*, or *Passing* it. These are good Evidences that *Make*, and *Enact*, are Terms Equivalent in the Statute: but there is still behind a better; for those very Canons, which are in the General Recital, at the Entrance of the Act, said to *have been heretofore Enacted*, are in the Body of the Law afterwards said to *have been heretofore Made*. An Undeniable Instance of the Promiscuous Use of the Two Words in some parts of the Statute; and how then can we doubt of it in Others? Indeed we cannot doubt of it, without allowing that the Act speaks different Languages, and employs the very same Phrase, on the same Occasion, in two senses widely distant from each other: which is a Fault that even Private Pens seldom fall into; much less can it be suppos'd to have place in such Publick and Solemn Forms, drawn up by the United Wisdom of a Nation.

Additions, P. 49. l. 16. Parliament laid hold of both these Forms, and blended them in one Common Recital.]

That the Recital of this Branch of the Clergy's form, which is in the Act styl'd their *Submission*, is less Exact and Literal, than that of the other Branch of it, there call'd their *Petition*, the Statute it self intimates; where it says of the *Petitionary* part, that it is *in form above rehears'd*; but uses no such words in relation to the *Submitting* Part, because indeed that Branch

is not there rehears'd in form, but by a *Mixt Recital*, made up out of the two Forms of Submission, that pass'd the several Houses of Convocation.

Pag. 184. l. 9 add, as follows] :
Especially since they had a Famous Old Precedent of such a Committee of both Houses of Convocation, acting by its Appointment, and Authority, in the Interval of its Session ; of which I shall from the Archbishop's Registers lay an account before the Reader.

On March 1. 1480. a Convocation was call'd by Archbishop Bourcier, which sat till 16. Apr. 1481. *Deinde quòd Festum Paschæ ita prope erat quòd Prælati & Clerus, nisi a Curis suis sibi commissis in dicto festo absentarent, tempus aut spatium propter Locorum distantias non habuerunt, ad communicand' & providend' pro subsidio Domino nostro Papæ habendo, idè Ordinum fuit prout sequitur-----* Ulterius ob certas probabiles causas Ordinum est & Statutum per hanc Convocationem, & ipsius Auctoritate, quod præfatus Reverendissimus Pater Card. & Archiepiscopus per se vel Commissarium suum, atque 6. Episcopi, 6. Abbates, & 6. alii Prælati, nec non 3. Decani, 6. Archidiaconi, & Cleri Procuratores 6. Dioc. Cant. Prov. quos dictus Reverendissimus in Christo Pater Card. & Arch. ad id duxerit nominandos & monendos, aliquo certo die per eum ante festum Pentecostes proximè futur' limitando & præfigendo in Eccl. Cath. S. Pauli London simul conveniant, atque de quodam subsidio Sanctissimo Domino nostro Papæ pro defensione orthodoxæ fidei & Christianæ Religionis adversus Magnum Thurcum concedendo & præstando, nec non de omnibus & singulis Materiis, Negotiis, & Articulis subsidium hujusmodi qualitercunq; concernentibus tractaturi, & post diligentem super
inde

inde habitam deliberationem rationabile subsidium per supradictum Reverendissimum in Christo Patrem Card. & Arch. Episcoposque, Abbates, Prælatos, & cæteras Personas Ecclesiasticas, dictæ Prov. ad effectum supradictum sub formâ opportunâ solvend' levand' & colligend' dicto Sanctissimo Dom. nostro Papæ auctoritate hujus Convocationis concessuri. Ad quæ omnia & singula præmissa facienda, exercenda, & expedienda, & cætera alia quæcunque, quæ in hac parte necessaria fuerint, seu quomodolibet opportuna, cum cujuslibet Canonice Coercionis ac exequend' quæ in hac parte statuerint seu decreverint facultate, ipsis per hanc Convocationem, & ejus Auctoritate, plena Potestas conceditur; Ita quod quicquid per eos in hac parte actum, gestum, conclusum, statutum, seu determinatum fuerit, firmiter & inviolabiter observetur, ac perinde in omnibus & per omnia Robur & Firmitatem obtineat, ac si per præfatum Reverendissimum ----- cæterisque Prælatos & Clerum dictæ Prov. in præsentî Convocatione, ante Dissolutionem ejusdem, actum, gestum, conclusum, statutum, seu determinatum fuisset.
fol. 27. b.

Upon this the Archbishop by his Mandate of May 20. Summon'd a Committee, auctoritate Convocationis prædictæ, consisting of Larger Numbers † than those mention'd in the Order, that he might be sure of *Enough* to act; but failing of this, the Committee was adjourn'd to June 12. when being Full, it did business, and came to a Resolution of not answering the Pope's Demands, without the King's Consent first obtain'd; and under that Resolution adjourn'd on and on successively to the 15. Nov. 1482. when it was alleg'd, that several of those who had been Summon'd in this matter, *Taliter infirmabantur, quod in hujusmodi Negotio comparere ad*

† Of 10.
Bishops, 9.
Abb. 6. Pri-
ors, 3.
Deans, 2.
Archd. 5
11. Pro-
fessors.

tunc non potuerunt ; quidam verò eorum ab hac Luce substracti fuerunt : Ita quòd Numerus ad Procedend' in dicto negotio juxta Potestatem eis à supradictâ Convocatione concessam omninò de jure requisitus minimè perimpleri potuit. Quare idem Rev. Pater--- Commissarius---- ex causis prædictis, & aliis Ipsum ac cæteros Episcopos prædictos, aliosque Prælatos, Decanos, Archidiaconos, & Cleri Procuratores tunc ibidem interessentes legitime moventibus hujusmodi Negotium ad proximam Convocationem remisit. fol. 29, 30.

I have given the Reader this Instance at length, because I take it to be the Pattern which the Convocations about the time of the Reformation follow'd : who were the more easie in transferring their Authority to Committees of both Houses, to be nominated by the King, and to act for them in the Intervals of their Sessions ; because the same Power had been before lodg'd by them in the hands of the Archbishop.

P. 233. l. 2.-----They ran, as that did, *ad faciend' & consentiend'*] Generally they did so, but often not : for there are Instances in the Registers of some Churches, where for more than an 100 years together the Returns to the *Præmunientes* ran *ad tractand'* as well as *ad consentiendum*.

P. 238. l. 8. *Neither are they sow'd so thinly there, &c.*] I could now enlarge the List of these *Procuratoria* (made by the Inferior Clergy in return to the *Præmunientes*) with some Hundreds of Instances, drawn from the Books belonging to the Deans and Chapters of the Old Foundation ; where there are such Numbers of them as make it unnecessary for me to add any further proofs of that kind : for it is a Point that will

will never be disputed. And from these successive *Procuratoria* it is manifest that the *Præmunientes* was always binding, and as Effectual a Summons to the Lower Seculars, as the first part of the Writ was to the Bishops themselves. 'Tis true, the Entry of the Executions of these Forms, and of the Returns that were made to them, is not so Punctual and Frequent in the Latter times toward the Reformation, as it was at the Beginning : the true Reasons of which I have hinted *pag.* 247. of this Book. However even in the Reign of *Hen. 7th*, and those of his immediate Predecessors, there are so many Instances of it left on record, as shew plainly that that Clause had its Regular Course and Influence all along ; and that the silence of the Registers in any particular Instance is purely owing to some Omission, either of the Bishop, in not transmitting his Writ, or of the Proper Officer, in not entring the Execution of it, or the Return of Proxy made to it. But the Omissions of these Old Books are not more Remarkable in this respect than they are in several others : for instance, the Writ of Summons it self to the Bishop is in many of them very rarely taken notice of ; so that had we no other proof of it but from the Registers of the several Sees, we should scarce know whether some Bishops had for fifty years together been call'd to Parliament.

Ibid. l. 18. *I question not, but that there are more [Procuratoria] of a Lower Date, tho' I have not had Opportunity, or Leisure to search for them : for I find that the Præmunientes was Executed in form as low as 33, & 36, H. 8. &c.]* Since the first Edition of this Book, many Later Executions of the

the *Præmunientes* by the Bishop, and *Returns* to it by the Clergy have fallen into my hands; which, for the further Illustration of this Point, I shall produce here in their Order, through all the Reigns, from the time of the Clergy's Submission under H. 8. till some years after the Restoration of C. 2. In some, I shall give the Forms at length; and in others, the Minutes of 'em only, with a reference to the *Archives* from whence they were taken.

1529. The Archbishop's Mandate for the *Conv.* 5. Nov. 1529. and the King's Writ, with the Clause *Præmun.* for the *Parliam.* both Executed by *Vessey* Bishop of *Exeter.* See his Register.

1536. *Pateat Universis per præsentis quod Nos Capitulum Ecclesiæ Metropoliticae Ebor. ordinamus, facimus, & constituimus Venerabiles Viros, Magistros Will. Knyght Archidiacon. Richmund, Will. Franklyn Archidiacon. Dunelm. Will. Holgil, & Laurent. Stubbes S. Th. Prof. Canonicos Ecclesiæ nostræ Ebor. & Tho. Marfar Præbendarium in Eccl. Collegiatâ Suthwel conj. & quemlibet eorum per se div. & in solidum, ita quod non sit melior Conditiō occupantis, sed quod unus eorum incepit, id quilibet eorum prosequi valeat & facere, Procuratores nostros ad comparand' & interessend' pro nobis & nomine nostro in Parlamento Serenissimi in Christo Principis ac potentissimi invictissimique Dom. nostri H. Regis A. & Fr. ac Dom. Hib. Octavi, Fidei Defensoris, & in Terrâ Supremi Capitis Anglicanæ Ecclesiæ, apud Westm. pro quibusdam arduis negotiis Se, Statum, & Defensionem Regni sui Angliæ & Ecclesiæ Anglicanæ concernentibus 8vo die Junii prox. fut. tenend' cum continuatione & prorogatione dierum subsequentium, ad tractand' & consentiend' his quæ*
tunc

tunc ibidem ex Communi Consilio ipsius Regni Angliæ divinâ favente Clementiâ contigerit ordinari. Ratum habentes & habituri quicquid dicti Procuratores nostri vel aliquis eorum, fecerint, seu fecerit in præmissis, seu aliquo præmissorum. In cujus rei testimonium Sigillum nostrum præsentibus est appensum.

Dat. Ebor. in Domo nostrâ Capitulari, 20. Maii.

A. D. 1536. Registr. Dec. & Cap. Ebor. ab

Anno 1504. ad Ann. 1543. fol. 211. a.

1539. The *Præmunientes* for the Parliament at *Westm.* 28. Apr. 1539. Executed by *Veysey* Bishop of *Exeter*, upon the Dean, Archdeacons, &c. by his Mandate of *March* 21. 1538.

At the same time the Archbishop's Mandate for the *Conv.* 2. May 1539. Executed by the same Bishop on the same Persons in his Mandate of *March* 26. 1539. See Registr. *Veysey*.

On the 29. of *March*, the Dean and Chapter of *Exon*----*Constituerunt Procuratores pro Capitulo in Convocatione prox. celebrandâ 28. die Apr. prox. futur.* See Chapt. Books of *Exeter*. It is said here---to appear in *Convocation*, tho' the *Parliament* really began on that day, and the *Convoc.* not till five days afterwards.

Procuratorium (Dat. 2. Apr. 1539.) from the Chapter of *York* to the *Parliament* of Apr. 28. 1539. in the same Terms with that in 1536. to be seen in the same Register, fol. 224. Where also (fol. 225.) is a *Procuratorium*, Dat. 9. Apr. 1539. for the *Conv.* 2 May, 1539.

These two Proxys are made to different Persons: One Sett of them being to act with the Convocation of *York*, at home; and the Other with the Parliament and Convocation of *Canterbury* at *London*.

1541. *Præmunientes* for the Parliament 16 Jan.
 1541. Executed on the Dean and Chapter of
Exeter, &c. by Bishop *Veysey's* Mandate of 19
 Dec. 1541. and the Convocation-Writ Sum-
 moning to the 20 Jan. Executed by the same
 Bishop, on the same day. See his *Regist.*

The several Writs for the *Parliament* and *Con-
 vocation* of this Year Executed severally on the
 Dean and Chapter of *Paul's* by Bishop *Bonner*.
 See *Reg. Dec. & Cap. S. Paul. fol. 120, 121.*

1542. *Georgius Carew, & Thomas Brere-
 wood, Canonici, Procuratores Capituli Exon. pro
 Parlamento & Convocatione, erga diem Proro-
 gationis, 3 Nov. prox. futur. Reg. Dec. & Cap.
 Exon.*

1544. 20. Dec. *Symon Haynes Decanus, &
 Georgius Carew, Procuratores Capituli Exon in
 Parlamento & Convocatione inchoand' in
 Mense Jan. prox. fut. Ibid.*

Præmun. for the *Parliament* of 30. Jan. 1544.
 Executed on the Dean and Chapter of *Paul's*,
 by *Bonner*, in his Mandate 7. Decemb. 1544.
Registr. Bonner. fol. 63.

1545. The same Persons appointed Proctors
 for the Chapter of *Exeter*, in prox. futuro *Parlia-
 mento, seu Convocatione. Ibid.*

Oct. 17. 1545. *Locum tenens & Capitulum [Sa-
 rum] elegerunt Magistrum Arche suum Procurato-
 rem ad comparend' in prox. Convocatione cum cæ-
 teris Prælatiis coram Reverendissimo Patre Cant.
 Arch. usque ad finem ejusdem ; & Mag. Wotton in
 alterum Procuratorem, usque Festum Natalis Domini
 prox. & non ultra. Reg. Holt. Dec. Sarum, p. 33.*

After which in the same Page comes this
 New Chapter-Act.

Nov. 5. 1545. In Capitulo.-----Magr. Arche,
 quia ipse (ut asseruit) infra breve est divillaturus * * i.e. As
 ad Parlamentum, ac quia nonnulla sunt modò Si- I apprehend,
 gillanda, idè ipse Mag. Arche in sua absentia con- going out
 cedit omnibus & singulis negotiis quibus dicti Magi- of Town.
 stri Bennet & Wotton consentient, & aliis dissen-
 tient, prout eis visum fuerit. Ibid. The Use I
 make of this is to shew that a Proctor appoint-
 ed in vertue of the Convocation-Writ, is after-
 wards, on the account of that appointment,
 said to attend the Parliament.

1547. Premun. for the Parliament, 4. Nov.
 1547. and Mandate for the Concurrent Convo-
 cation severally Executed by Veysey Bishop of
 Exon. See his Regist.

The Chapter of Exeter on the 23. Sept. 1547.
 make the same Proctors to Both. Reg. Dec. &
 Cap. Exon.

1552. Writ for the Parliament of 1. March
 1552. Executed on the Dean and Chapter of
 Exon, &c. by Bishop Coverdale: And the Arch-
 bishop's Mandate for a Convocation on the
 2. March, Executed by him at the same time.
 See his Register.

1553. 2. Sept. Electi Johannes Bixman, &
 Henricus Morgan pro Parlamento & Convoca-
 tione celebrand Westm. & London. Reg. Dec. &
 Cap. Exon.

1554. Writ for the Parliament of Oxford,
 2. Apr. 1554. Executed by the Subdean of Exe-
 ter (one of the four Commissionated by the Bi-
 shop then in remotis, to be his Vicars-General)
 on the Chaper, &c.

Likewise the Queen's Writ for the Convocati-
 on at Oxford, 3. Apr. Executed by the Bishop of
 Exon's Apparitor General. Reg. Coverdale.

1562. A *Procuratorium* from the Dean and Chapter of *Ely* for the Convocation of Jan. 12. 1562. Before which, as a Common Title for that, and the succeeding Proxys, of the same sort, are put these words:

Literæ Procuratoriæ pro Convocatione Cleri in Parlamento. Reg. Dec. & Cap. Elyen.

1570. Mart. 13. *Presidens & Capitulum [Sarum] receptis prius Literis Mandatariis Reverendi, &c. Joh. perm. div. Sar' Episcopi pro Electione Procuratorum pro Capitulo dictæ Ecclesiæ Cathedr. ad comparend. in Parlamento Illustrissimæ in Christo Principis, & Domine nostræ Dom. Elizabethæ d.g. Ang. Fran. & Hibr. Reginae, &c. apud Civitatem Westm. 2. die Apr. jam prox. fut. tenendo cum continuatione, &c. eleger' Mag. Ric. Chaundler in eorum Procuratorem hujusmodi, &c. Dando, &c. Promiseruntque de rato, &c. Registr. Blacker. penes Dec. & Capit. Sarum. p. 51.*

1572. Queen's Writ for the Parliament 8. May 1572. Executed on the Dean and Chapter of Exeter, &c. by Bishop Bradbridge. Archiv. Eccl. Exon.

1584. Oct. 29. Dec. & Cap. Sarum lectis Literis Mandatariis Reverendi, &c. pro Electione Procuratoris sufficientis pro prædicto Capitulo ad comparend' in Parlamento hujus Regni Angliæ apud Civitatem Westm. 23. die Mensis Nov. prox. fut. cum contin. & Prorogatione, &c. tenendo, tandem unanimiter nominarunt & elegerunt Mag. Tho. Dylworth eorum Procuratorem ad comparend', &c. in dicto Parlamento juxta Tenorem Brevis Illustrissimæ in Christo Principis & Dom. nostræ Dom. Elizabethæ, &c. Reg. Blacker. p. 121.

1588. Pateat Universis per præsentis quod Nos Dec. & Cap. Ecclesiæ Cathedr. de Burgo S. Petri
in

in Domo nostrâ Capitulari, juxta Eccl. Cathedralem de Burgo S. Petri ad invicem Capitulariter congregati die datarum præsentium dilectum nobis in Christo Richardum Fletcher S. Th. Pr. Decanum Eccl. prædictæ nostrum, verum, legitimum, & indubitatum ordinamus, facimus, & constituimus Procuratorem, Damusque & concedimus eidem Procuratori nostro Potestatem generalem & Mandatum speciale pro Nobis & nomine nostro coram Reverendissimo in Christo Patre Joh. div. Prov. Cant. Arch. &c. seu ejus Locum tenente aut Commissario, si ipsum Reverendissimum Patrem impediri contigerit, in Eccl. Cath. D. Pauli Lond. 4. die Mensis Feb. prox. fut. post dat. præsentium. Nobis insuper Elegimus, Consensimus, & pro Electo Vobis pronunciamus, & certificamus eundem Mag. Fletcher in Procuratorem & pro Procuratore dicti Capituli tam ad Parliamentum Illustrissimæ Principis Eliz. Dom. nostræ, &c. Anno 31. ad Civitatem Westmon. Mense & die prædict' inchoand', quam ad Convocationem Cleri Reverendissimi in Christo Patris Joh. Cant. Arch. prædicti in Eccl. D. Pauli prædictâ fiend' & celebrand' cum continuatione & Prorogatione dierum ex tunc sequentium & Locorum, si & quatenus expediat. Quam Potestatem eidem Richardo, [Procuratorio nostro exhibet' sufficient' desuper ei sub Sigillo nostro Capitulari factô Omnibus plenius liquet & apparet.] In cujus Rei Testimonium Sigillum nostrum Commune & Capitulare præsentibus apposuimus. Dat. 27. die Mens. Jan. A. D. 1588. Secundum Computationem Eccl. Anglicanæ. Registr. Dec. & Cap. Petroburg.

1614. Præmunientes for the Parliament 5. Apr.
1614. Executed upon the D. and Chapt. of Exeter, &c. in a Mandate of the Bishops Dat. 3. March 1613. Reg. Eccl. Exon.

My Transcript of this Instrument is here confus'd.

In

In pursuance of this Execution of the Parliament-Writ, Dec. & Cap. elegerunt Will. Cotton *Præcentorem ad comparend' pro Capitulo in Conv.* 6. Apr. & decreverunt *Procuratorium Sigilland' prædicto Mag. Cotton, nec non Magistris Tho. Barrer, & Will. Helyar Can. Resid. conj. & div. ad effectum prædict.* 9. Mart. 1613. Reg. Dec. & Cap.

1620. In the Chapter-Acts of the Church of Exeter this Entry is made, 30. *die mensis Decemb.* 1620. Dec. & Cap. elegerunt Edvardum Cotton *Cancellarium Ecclesiæ ad comparend' pro Capitulo in prox. Conv. Cleri in Eccl. D. Pauli London.* 17. *die Jan. prox. futur. & decreverunt Procuratorium Sigillandum fore—præfato Mag. Edwardo Cotton, nec non Magistris Willielmo Cotton Præcentori, & Willielmo Helyar Archidiacono Barum Canonicis—conj. & div. ad effectum supradict.*

On the 30th of the same Month, they make their return both to the Archbishop's Mandate, and to the *Præmunientes*; Their *Procuratorium* runs to the three Persons above nam'd, giving them *Potestatem generalem & Mandatum speciale pro Nobis & Nominibus nostris coram Serenissimo in Christo Principe & Dom. nostro Dom. Jacobo, &c. ac cæteris Prælatiis, Magnatibus, & Proceribus Regni Angl. prædict' apud Westm.* 16. Jan. *nec non coram Reverendissimo in Christo Patre Georgio Prov. Div. Cant. Archiepiscopo, &c. in proximâ Prælatorum & Cleri Cant. Prov. Convocatione in Eccl. Cath. D. Pauli London.* 17. *die Jan. prædict. comparendi.* Inter Archiva Decani & Cap. Exon:

1623. Tho. Prov. div. Cov. & Lichf. Episc. *Dilectis nobis in Christo Decano & Capitulo Ecclesiæ nostræ Cath. Lichf. sive eorum Locum tenenti Sal. in Domino. Breve illustrissimi in Christo Principis & Dom. nostri Dom. Jacobi d. g. &c. nobis inscriptum* &

& direct' nuper eâ quâ decuit reverentiâ, obedientiâ,
 & subjectione humiliter recepimus in hæc verba. Ja-
 cobus d. g. &c. [Then follows a Recital of the
 Writ with the Clause *Premunientes*, Summoning
 the Bishop and his Clergy to the Parliament of
 that year, to be held at *Westm.* Feb. 12.] Cujus
 vigore & auctoritate Vos Dec. prædictum Tenore præ-
 sentium commonemus & peremptoriè citamus quòd præ-
 dictis die & loco personaliter interfutis ad tractand'
 super arduis & urgentibus negotiis statum, & Utili-
 tatem, Bonum Publicum & Defensionem regni An-
 glia & subditorum ejusdem tunc & ibidem serius
 exponendis, ac hiis quæ ibidem ex deliberatione com-
 muni ad honorem Dei, & Ecclesiæ Utilitatem salu-
 briter statui contigerit consensur' factur' que & receptur'
 ulterius quod hujusmodi negotii qualitas de se exigit
 & requirit. Vobis insuper committimus, & firmiter
 injungendo mandamus, quatenus citetis, seu citari faci-
 atis peremptoriè omnes & singulos Canonicos & Præ-
 bendarios Eccl. Cath. nostræ præd. quòd compareant
 personaliter coram Vobis, vel Commissariis vestris, Loco
 & Die per Vos limitand' unam Idoneam & sufficient'
 personam electur' & nominatur' potestatemque suffi-
 cientem eidem personæ datur' & concessur' ad compa-
 rend' vice & nomine ejusdem Capituli coram Nobis,
 aut Vicario nostro in Spiritualibus generali, sive Com-
 missario in hac parte quocunque, in Eccl. Cath. Lichf.
 Loco consueto ibidem die Foris viz. 5. die mensis
 Febr. prox. fut. post dat. præsentium, unum Procura-
 torem idoneum & sufficientem pro prædicto Capitulo
 in eâ parte electur' ordinatur' & transmissur' in formâ
 superius annotatâ * ——— Et quid in præmissis fe-
 ceritis, Nos, vel Vicarium nostrum in Spiritualibus
 generalem, aut Commissarium nostrum in hac parte
 debite certificetis unâ cum præsentibus. Dat. Lichf.
 sub Sigillo Officii Vicarii nostri in Spiritualibus gene-

* The
 Form in
 this Lat-
 ter part
 is care-
 lessly en-
 ter'd.

*ralis prædicto 20. die Jan. A. D. juxta computatio-
nem Eccl. Angl. 1623. Registr. Eccl. Cov. &
Lichf.*

1627. 26. Febr. Dec. & Cap. Exon. elegerunt
Mag. Laurentium Burnel Cancellar. ad comparand'
pro Capitulo in prox. Conv. in Eccl. D. Pauli Lon-
don 18 Martii prox. fut. & decreverunt Procurato-
rium Sigilland' præfato Mag. Burnel, nec non Magi-
stris Willielmo Cotton Præcentori, Edwardo
Cotton, Archidiacono Totton. Willielmo Peter-
son S. Th. D. Canonicis Resid. & Willielmo Hut-
chinson Præbendario, conjunctim & divisim.

Then they certifie to the Bishop that they
have chosen Burnel their Proctor, to appear for
them at *Westm.* on the 17. and at *Lond.* on the
18. of March, *Secundum Tenorem Brevis Regii in
dictis Literis vestris mentionati, i. e.* of the Writ
with the Clause *Præmunientes*, which alone is in
the Bishops Mandate recited.

The *Procuratorium* follows, made to the four
Persons mention'd in the Chapter-Act, in the
very Terms of that in the Year 1620. Arch. Dec.
& Cap. Exon.

1640. Car. d. g. &c. Custodi Spiritualitatis Ar-
chiepiscopatus Ebor. Sede Archiepiscopali ibidem va-
cante. Cum Nos per Breve nostrum è Cancellariâ no-
strâ 24. die mensis Sept. ult. præterit' — Quibusdam
arduis & urgentibus Negotiis Nos, Securitatem &
Defensionem Eccl. Angl. ac pacem & Tranquillita-
tem, Bonum Publicum & Defensionem Regni nostri
& Subditorum nostrorum ejusdem concernentibus Re-
verendissimo in Christo Patri ac Fideli Consiliario no-
stro Ric. nuper Ebor. Archiepiscopo, &c. modo de-
funct' nuper mandavimus quatenus præmissis debito in-
tuitu attentis & ponderatis, universos & singulos
Episcopos Ebor. Prov. ac Decanos Ecclesiar. Cathedr.

nec

nec non Archidiaconos, Capitula, & Collegia, totumque Clerum cujuslibet Dioc. Ebor. — Prov. ad comparand' coram præfato Richardo nuper Archiepiscopo in Eccl. Metrop. S. Petri Ebor. 4. die Nov. tunc prox. fut. vel alibi, prout melius expedire videretur, cum omni celeritate accommodâ modo debito convocari fac. ad tractand', consentiend', & concludend' super præmissis & aliis quæ sibi clarius exponerentur tunc ibidem ex parte nostrâ. Quod quidem Parliamentum inchoatum fuit 3. die Nov. ult. præterit', & huc usque continuat' : Cumque etiam præfatus Ric. Arch. nuper mortem obierit ; Nos igitur præmissa considerantes Vobis in fide & dilectione quibus nobis tenemini rogando mandamus, quatenus Vos, præmissis attentis & debito intuitu ponderatis, in Negotiis hujusmodi debite procedatis, & omnia & singula quæ ex parte prædicti Ric. nuper Archiep. vigore prioris Brevis prædicti exequenda fuerunt, & per ipsum, aut per ejus in eâ parte mandatum in vitâ suâ minimè execut', cum omni celeritate peragatis cum effectu ; omniaque & singula quæ in hac parte necessaria fuerint, seu quomodolibet opportuna, aut quæ vestro in hac parte incumbent Officio, quàm citò poteritis faciatis, & exequamini. Et hoc, sicut Nos, & statum regni nostri, & Honorem & Utilitatem Eccles. prædictæ diligitis, nullatenus omittatis. T. Meipso apud Westm. 11. die Dec. An. reg. nostri 16. Registr. Dec. & Cap. Ebor.

This Writ, tho' not one of those Forms, of which I am here giving a List, yet is a manifest Proof of the same Point which I aim at in producing those Forms ; as it shews, the close Connexion there is between Parliaments and Convocations : since the Convocation, call'd in one part of the Writ, is spoken of as part of the Parliament, in the Other.

1676. An Election of Proctors by vertue of the *Præmunientes*.

In Electione Procuratorum Cleri in Petriburgens. Dioces. 10. die mens. Febr. A.D. 1676.

In nomine Dei Amen, Nos David Lewellin, Thomas Arnold, & Franciscus Standish Clerici, in Artibus Magistri, Autoritate Episcopali in hac parte legitimè

fulciti, venerabiles Viros Ric. Cumberland S. Th. Bac. & Rectorem Rector' Eccl. Parochialis de Brampton juxta Dingley, & Joh. Dobson Baccalaureum S. Th. Rectorem Rector' Eccl. Parochialis de Old Higham in Procuratores Cleri hujus Dioces. Petriburg. ad interessend' Parlamento Dom. Regis, ibidemque tractand' & consentiend' iis quæ ibidem de Communi Consilio regni contigerit ordinari, ritè & legitimè electos fuisse & esse pronuntiamus, decernimus, & declaramus, & pro sic electis habemus, & haberi volumus ad omnem quemcunque Juris Effectum.

Facta & Lecta fuit hæc Scheda Die & Anno supra dict' per

David Lewellin.
Thomam Arnold.
Francisc. Standish.

1678. The same Process went out in the Diocess of *Peterborough*, upon the same Writ with the Clause *Præmunientes*, to warn the Diocesan Clergy to return Proctors by vertue of it : but before Election the Process was stopp'd, and the Convocation Writ only executed.

This Collection is, as the Reader may observe, drawn from the Records of some few Churches ; and is presented to him as a *Sheaf* only, by which he may judge of the *Harvest*.

For

For there are Few Registrys, I believe, of any *Bishop*, or *Chapter*, where the Forms have been well enter'd, and the Books well kept, that will not afford several Instances of this nature : And Dr. *Wake's* Friends, I suppose, have e'er this sent him many of them. If they have not, I am sure, it is none of my fault : for when I found the *Queries* he sent about, extended no further than the time of the *Submission-Act*, I let him know by a sure Hand that they were short of the Mark, and that the Parliament Writ was frequently Executed on the Inferior Clergy, after the *Era*, within which his Searches were bounded. Upon which Notice, new Enquiries were sent, and new Accounts return'd ; which I hope he'll be so just as to impart to the world, and by that means furnish his Readers with a better Proof of the Near *Alliance of Parliaments and Convocations*, than I, by my single Labours, and Narrow Correspondence, have been able to do. In the mean time, till that is done, the foregoing Instances may suffice, I hope, to satisfy the Reader, that the *Præmunientes* in the Bishops Writ is not a Dead Insignificant Form, but has had its Constant Effect on the Lower Clergy ; who by vertue of it have made their Returns all along, and paid their attendance in *Parliament* : and have ever reckon'd themselves to sit in their *Parliamentary Convocations* by a *Double Title* ; as call'd up thither by the *King's Writ* to the *Archbishop* for assembling his *Province*, and by his Other Writs to each *Bishop* for *premonishing* the Clergy of their several *Diocesses*.

The *Protestation* therefore of the *Lower House* *, in the first of Queen *Elizabeth*, wherein they assert themselves to meet as well by the *Parliamentary*,

* See an account of it, p. 66.

mentary, as *Convocation-Writ*, contains no strange Doctrine in it, but such as has been receiv'd among all their Successors since, and has had the Practise, as well as Opinion of above an Hundred years following to justifie it. Which is such an Illustrious and Irresistible Testimony of the Clergy's Rights in this case, as, I confess, when I drew the first Plan of this work, I did not hope to find. But it has pleas'd God to reward my continu'd Searches on the Subject, with yet further degrees of Light, and to enable me by every new step I have taken to give a yet clearer and more satisfying proof of what I pretend to maintain.

I shall close this Additional Note with an Humble Request to my Lords the Bishops, that they would please to consider, of how great Moment it is towards preserving the Constitution, and the Rights of their Clergy, to preserve the Regular Execution of their Writs of Summons for the Parliament, and a Remembrance of it in the Records of their Sees : since, had this Method been duly kept up, I will be bold to say, that the present Dispute had never been started.

The neglect indeed began before their Lordship's time, and they are not therefore answerable for its obtaining. However, since it is a Neglect of such Consequence, their Lordships will, I humbly presume, think themselves concern'd to prevent its further spreading, and for that End command the strict Execution of the *Præmunientes*, as often as it issues, and the punctual Entry of such Executions. And should their Lordships Officers forget at any time to transmit the Writ, yet the *Deans and Chapters*,
Arch-

Archdeacons, &c. will, I hope, be so just to themselves, and to their Body, as not to forget to demand it; nor consent any ways to the dropping this part of our Excellent Constitution, which it is the Duty of every good *English* man to uphold, and to transmit, as far as in him lyes, intire to Posterity. More particularly this is incumbent on Those, who are nearly interested in preserving the Constitution, as Distinguished'd Parts of it, and not only *Honour'd*, but *Entrusted* with such a Share in it, as they are not at Liberty to part with.

'Tis true, while the Importance of *Executing* this *Writ* was not understood, or consider'd, the *Neglect* of it might be Excusable: But after a Nice search into these matters has open'd our Eyes, and shew'd us, that the Clergy's Claim to a *Parliamentary Attendance* depends chiefly on this *Writ*; after the *Influence* of it has been publicly disputed and deny'd, and a *Retrenchment* of that part of it which concerns the Lower Clergy, has been propos'd by One of their Order: after such Discoveries and Attempts as these, I say, Future Omissions of this kind cannot pass under the soft name of *Neglects*, but will have some Harsher Censure bestow'd on them.

The Danger pretended of reviving such a Disus'd Practice is all Chimerical, and a Bugbear made use of only to frighten Children: On the contrary, that Danger, if there be any, lyes quite on the other side: for the Disuse has not been yet so Universal, or of so long Continuance, as to justify that Omission. And should the Question be ask'd, it would be harder, I believe, to give a *Legal Answer*, why such

a Royal Precept *was not* Executed, than why it *was*. The Clergy's first declining the *Præmunientes*, and choosing rather to Execute the *Convocation-Writ* than That, was at the bottom a Piece of Rank Popery, and owing to their Pre-*tences* of *Exemption* from the Civil Power. For the One of these Precepts issuing *immediately* from the *King*, they wav'd, as far as they durst: whereas the Other, coming to them through the *Archbishops* hands, in an *Ecclesiastical* way, they readily comply'd with it. But these *Notions* are now out of Doors; and so therefore should the *Practice* be, that was built upon 'em, and gives countenance to 'em: especially, among a *Protestant-Clergy*, whose Zeal against *Papal Usurpations*, and for the *Prerogative* of the Crown has distinguish'd it self so remarkably on Other Occasions. They, who have wrote away *Popery*, in every other respect, will not surely leave it preying upon the very *Vitals* of our *Constitution*, and stand by unconcern'd at the Event of it.

P. 276. l. 24. "They have attended on the Parliament with no Exceptions to the contrary from the Reign of *Hen. 7.* to that of his Present Majesty.] With none, I mean, that can with any reason be urg'd as *Precedents*: whatever of this kind has since hapned, being sufficiently accounted for by the Confusion, and Disorders of those times in which it took place.

P. 343, 344. *All along from the time that the Præmunientes was first inserted, down to the Reformation, and below it, the Clergy assembling in Convocation have been still reputed and spoken of, in our Records, as attending the Parliament, being*
of

of it, and acting in it.] When I said, below the Reformation, I spake very safely : for this is the Language of the *Statutes and Records*, even as Low as our Own Times. In every Parliament from 8 *Eliz.* down to 15 *Car. 2.* the Bishops Certificate about Default of Payment, mentions him as deputed *ad Colligend' & levand' Subsidium eidem Dominae Reginae* [or, *Domino Regi*] in eodem Parlamento *per Prælatos & Clerum Cant. Prov. concessum.* These Certificates are to be seen all along in the Statute-Book, being incorporated into every Act made for Confirmation of the Clergys Subsidies : and the Tenor of them therefore is approv'd and authoriz'd by Parliament. It may not be amiss to set down * 1663. the Preamble of One of these Forms, as it stands inserted in the Act 15 *Car. 2.* * for Confirming Four Subsidies then granted by the Clergy ; this being the last Instance of the Use of such a Form, because it was the last time that ever the Convocation tax'd themselves.

Honorabilibus & Egregiis Viris Domino Thesaurario & Baronibus de Scaccario Illustrissimi Domini nostri Dom. Car. 2di. d. g. &c. Vester humilis—Permissione Divinâ-----Episcopus-----Auctoritate & Vigore cujusdam Actûs Parliamenti—Anno Regni dicti Dom. Regis Editi & Provisi, ad colligend' & levand'----Subsidia eidem Dom. Regi in eodem Parlamento per Prælatos & Clerum Cant. Prov. concessa, &c. Deputatus & Authorizatus, Omnimodam Reverentiam tantis Viris debitam cum Honore.

The very same is the Style of the *Exchequer-Records* all along, as may appear from these following Instances.

Status & Vis' Computor' de Term. Pasch. Anno 24. Reg. Eliz. Ro. 7.

Audito

Carliol.
Dioc.

Audito Computo Joh. perm. div. Carl. Episcopi per Tho. Hammond Gen. Deputat. sive Collector. primæ Solutionis Subsidii Ecclesiastici Omnium Dignitatum & Promotionum Spiritualium infra Dioc. prædictam existentium Dominae Reginae nunc in Parlamento tent. apud Westm. 16 die Jan. Ann. regni sui 13. per Prælatos & Clerum Cant. & Ebor. Prov. dat' & concess' Deb' 146 l. 7 s. 6 d $\frac{1}{2}$. De quibus quietus est Computo: idè non fiat hic ulterius Executio.

Agen-----Inter Stat' & Vis' Computor' de Term' S. Mich. 23. Jac. 1.

Audito Computo Lancelot. div. Prov. Dioces. Episc. ibidem, per Edvard Cole Gen. Deputat' suum, Collector' primi Subsidii 4. Subsidior' Ecclesiastic' Dom. Regi nunc in Parlamento apud Westm. 19. die Febr. Anno 21. per Prælatos & Clerum Cant. Prov. dat' & concess. Deb' 832 l. 16 s.

So in Stat. & Vis. de Ter. Mich. 4 Car. 1. Ro. 2. the like Expressions recur, concerning a Grant made to that Prince by the Prelates and Clergy in Parlamento suo apud Westm. 21 die Jul. Anno Reg. sui 1mo. Which are so much the more remarkable, because they are the very same that are us'd in the same Records concerning the Lay-Subsidies also: for Example,

Stat. & Vis. Computor. de Ter. S. Mich. An. 3. Jac. 1. Ro. 7. De Secundâ Solutione 4ti. Subsidii 4. Subsid. Dominae nuper Reginae Eliz. in Parlamento suo tent. apud Westm. 27. die Oct. Anno regni sui 43. à Laicis concess.---

So

So that the *Clergy* are in these Rolls, as much said to *grant in Parliament*, as the *Laity* themselves. Nor can it be pretended that these *Grants* are therefore only spoken of as *made in Parliament*, because they were *by Parliament confirm'd*; since we have Instances long before such Confirmations, where the *Clergy attending the Parliament*, are said to have made their *Grants in Parliament*. Intruth the *Parliamentary Confirmation* of them now practis'd could not have given any Handle to the Drawer of these Records, to say that such *Subsidies* were *granted*, but only that they were *presented*, and *accepted in Parliament*; if indeed the *Convocation Clergy*, who gave 'em, did not belong to the *Parliament*. Nay, but upon this Supposition, the *Inferior Clergy* could not have been properly said even to have *offer'd*, or *presented* their *Subsidies* in *Parliament*; for that was done by the Archbishop alone, they never appearing in it. Much less could the *York-Clergy* have been said to have *granted in Parliament*, who made their *Grants* always to the Prince in Person, and out of *Parliament*: And yet we see Their *Subsidies** are as well said to be *dat' & concess' in Parlamento*, as those of the other Province.

* See before the Instance of 24 Eliz.

P. 344. l. i. *The Convocation-Clergy spoken of as being of the Parliament and acting in it*] Of this take another Notable Instance from an Instrument in *Courtney's Register*, where there is mention of *Ea quæ pro Statu Domini Urbani [Papæ] in Parlamento apud Gloucester celebrato, de consensu Regis, Prælatorum, & Cleri, ac Procerum Regni, erant per Viam Statuti firmata.* fol. 80. Which may be added also as a New Authority to satisfy my Lord of *Sarum*, that 21 R. 2. is not
the

the Only Time when the Proctors of the Clergy are mention'd as bearing a share in the Legislative Power. (See before p. 380.) Nay further, even the *Submission-Act* it self speaks this Language: for there it is *Enacted* that (in order to a Review of the Old Canons) “ the King’s Highness should
 “ have Power to nominate Thirty two Persons
 “ of his Subjects, whereof Sixteen to be of the
 “ Clergy, and Sixteen to be of the *Temporality* of
 “ the *Upper and Nether House of Parliament*. And
 least it should be pretended, that the words [*of the Upper, and Nether House of Parliament*] belong to the *Temporality* only, it is added, that “ if any
 “ of the *said Thirty two Persons* so chosen should
 “ happen to die, before their full determinati-
 “ on; then his Highness should nominate Other
 “ from time to time of the *said Two Houses of*
 “ *Parliament*, to supply the number of the *said Two*
 “ *and Thirty*.

P. 365. between the two Paragraphs, place
 this ———

† See Bp.
 Burnet’s
Hist. Vol.
 1. p. 147,
 152,

March 29. 1534. The *Submission* pass’d into a Law †; and two days after this (the Day on which the Clergy separated) a Question of great Importance was determin’d by the whole Convocation; an account of which the following *Instrument* will give us. And there, or in the *Acts*, some Notice would have been taken of the *License* which Qualify’d ’em for this Debate, if by the Statute, then newly pass’d, such a *License* had been held necessary: but neither in the One, nor the Other is there the Least Hint concerning it.

Declaratio Opinionis Prælatorum & Cleri Prov.
Cant.

Cant. quòd Romanus Episcopus non habet Majorem Jurisdictionem sibi à Deo Collatam in hoc Regno, quàm alius quivis Externus Episcopus.

In Dei nomine, Amen. Per præsentis publici Instrumenti seriem Cunctis, & præsertim Inviectissimo &c. [as in the Instrument App. n. 3.] appareat evidenter, & sit notum, quod An. D. 1534. Indictione 7. Pontificatus Dom. Clementis. illius nominis Rom. Papæ septimi anno 11. mensis verò Martii die ultimo, in Domo Capitulari Eccl. Cath. D. Pauli London. in nostrorum Notariorum subscriptorum & Testium inferius Nominatorum præsentis, Reverendissimo in Christo Patre & Dom. Dom. Thomâ permissione div. Cant. Archiep. totius Angliæ Primate, & Aposto-

*licæ sedis Legato *, Prælatisque & Clero totius Prov. Cant. plenam Convocationem, sive sacram Synodum Provincialem Cant. Provinciæ tunc & ibidem facientibus, dictus Revendiss. Pater quandam Quæstionem Tenoris subsequentis, An Romanus Episcopus habeat Majorem Jurisdictionem collatam sibi à Deo in Sacrà Scripturâ, in hoc Regno*

** This was the Last time that ever this Title was in any Public Instrument applyd to the Ap. For as soon as they sat again after this Prorogation, the Ap. (Nov. 11. 1534.) renounc'd it in open Convocation. Had my Lord Bishop of Salisbury consider'd this it would have lessen'd the surprise his Lordship seems to be in, upon his finding the Archbishop so styl'd in the Sentence of Divorce, pronounc'd by him 10 Months before this. (Hist. Vol. 1. p. 131.)*

Angliæ, quam alius quivis Externus Episcopus? in scriptis iisdem proposuit, & publicè tunc & ibidem legit, atque verum Exemplar ejusdem Quæstionis tam Prælati quam Clero prædictis respectivè tradidit; jussitque, voluit, & mandavit, quatenus Prælati & Clerus prædicti de & super veritate ejusdem Quæstionis tractarent, & quid de & super eadem sentirent sibi referrent. Iisdem die & Loco dicti Prælati & Clerus plenam Convocationem sive Sacram Syn. Prov. ut præmittitur, facientes, præmisso inter illos diligenti & maturo tractatu in quam partem præfatæ Quæstionis sua

sua dirigerent suffragia, Voces, sive sententias, coram eodem Rev. patre comparuerunt, atque se sentire quod Rom. Episc. non habet majorem aliquam jurisdictionem collatam sibi à Deo in Sacra Scriptura, in hoc regno Angliæ, quam alius quivis Externus Episcopus, eidem Rever. Patri retulerunt, affirmarunt, atque ita se sentire expresse declararunt, prout de facto sentiebant, atque affirmabant. Quam quidem eorum sententiam idem Rever. Pater approbavit, atque se id idem sentire affirmabat. Super quibus omnibus & singulis præfatus Rev. Pater Tho. Arch. Primas, & Legatus antedictus Nos Notarios Publicos subscriptos unum sive plura, publicum seu publica, Instrumentum sive Instrumenta exinde conficere, signisque & subscriptionibus nostris solitis & consuetis, una cum ejusdem Rev. Patris sigilli appensione, communire præcepit & mandavit. Acta sunt hæc omnia & singula prout supra scribuntur, & recitantur, sub An. Dom. Indictione. Pontificatu, Mense, Die, & loco prædictis, præsentibus tunc ibidem venerabilibus Viris Magistris Joh. Cockys, LL. D. prædicti R. patris Audientiæ Auditore, Vicario in Spiritualibus Generali & Officiali Principali, & Ric. Gwent Decretorum Doctore, Curie Cant. Officiali, prædictique R. Patris Prærogativæ Custode & Commissario, præmissa videntibus & audientibus. Et Ego Williclmus Potkyn, &c.

I choose to produce some of these Forms in their Full Dimensions, that the Reader may have Instances of the Exactness with which the Clergy of that time proceeded in their Debates and Resolutions: and this I do the rather in the Present Case, that I may afford him some Light in a Matter, wherein my Lord of Sarum's History is (for ought I can find) perfectly silent; tho' next to the *Submission of the Clergy*, no step
taken

taken by the Convocation throughout *Hen.* the 8th's reign be of more Importance than this, or deserv'd better to have employ'd the Pen of an Ecclesiastical Historian.

P. 370. l. 16. *The Lords and Commons then sitting had petition'd the King to refer it to his Clergy.*] In these remarkable words, still legible in the Journal of that Parliament,——*Ut Negotii Discussio & Decisio committatur Archiep. Episcopis, Decanis, Archidiaconis, & Universo Angliæ Clero jam ad hoc Parliamentum Convocatis.* Accordingly, not the Bishops alone, but Lower Clerks also of York-Province were in this Meeting, as I find by the Tenor of the Sentence enter'd in Archbishop Lee's Register †: to wit, the *Premonish'd* Clergy attended strictly according to their Summons, and together with those of Canterbury Province joyn'd together in One National Assembly, where this matter of the Nullity of *Anne of Cleve's* Marriage was discuss'd and determin'd.

† Fol. 142.
a.

P. 386. l. 35. The Oldest *Era* therefore of these Commissions which impower the Convocation to *Treat*, &c. is 2 *J. 1.*] I have repeated this Assertion over and over in the Book (particularly p. [100.] l. 34. p. 363. l. 27. p. 383. l. 20. &c. and it concerns me therefore to make it good. In order to it, I desire the Reader to observe, that I in all these places speak expressly of a *Commission to Treat*, and deny any such only to have issu'd, before the First of King *James*. There is indeed an Older *License* for *Decreeing*, tho' not for *treating* upon Canons, practis'd 29 *Elix.* and which it will be proper here to account for: I shall give the Reader first the *Matter of Fact*, and the several Instruments drawn on that occasion, and then shew how far

far this Instance affects our present Argument.

In that Session of Convocation which began at *St. Paul's* 17. *Febr.* 1586. Archbishop *Whitgift* at a Conference of the Two Houses propos'd a Double Gift; One, of a Subsidy of 6 *sh.* in the Pound, payable to the Queen, her *Heirs and Successors*; Another of a *Benevolence* of Three Shillings in the Pound, to be granted to the *Queen's Person* alone, and levy'd by *Synodical Ordinances, and Constitutions*, without the Intervention of *Parliament*. This was agreed to by the Clergy, and thereupon a Grant of Each of these made in two Separate Instruments. That for the *Subsidy* was in the usual form; the *Benevolence* ran after this manner:

* There are
Copies of
this Bene-
volence

* *Most Excellent and Most Gracious Sovereign Lady,*
in the Convocation-Records of York-Province, in the Paper-Office, and in
the Registers of the Church of Exeter.

“ WE the Prelates and Clergy of the Pro-
“ vince of Canterbury, now gather'd
“ together in a Convocation, or Synod, calling to
“ our minds, and considering, with all thank-
“ ful remembrance, the manifold and great
“ Benefits that every Member of this Realm
“ generally hath, and doth daily receive by
“ the Blessing of Almighty God, under your
“ Majesty's most Happy and Peaceable Govern-
“ ment; and We our selves especially, by your
“ Gracious and Princely Care over us: Where-
“ by we do not only enjoy our Lives and Li-
“ vings in happy Peace, but also the free Ex-
“ ercise of our Ministry and Function, the
“ true Preaching of the Word of God, and the
“ sincere administring of the Holy Sacraments,
“ to

“ to us far more dear than our Lives or Livings.
 “ And further, seeing the infinite Occasions, that,
 “ through the execrable Malice of the Enemies
 “ of the Gospel of Christ, do daily arise; where-
 “ by Your Highness is driven to many extraordi-
 “ nary and inestimable Expences, for the neces-
 “ sary Defence of the Gospel, and Your High-
 “ ness Dominions: In token of our dutiful
 “ and thankful hearts to Your Majesties most
 “ Royal *Persons*, have, with one joint Con-
 “ sent, and hearty good Will, over and above
 “ one *Subsidy* of Six Shillings in the Pound,
 “ already granted to Your Highness, Your *Heirs*
 “ and *Succeffors*, in this our Convocation, or
 “ Synod, yielded to give, and by these Pre-
 “ sents do give, and grant to Your Highness *Per-*
 “ *son only*, a *Benevolence*, or Contribution of
 “ Three Shillings of every full Pound of the
 “ clear yearly value of all Ecclesiastical and
 “ Spiritual Promotions, within the said Pro-
 “ vince of *Canterbury*, and of the Lands, Bene-
 “ fices, and Appropriations, and other Posses-
 “ sions and Revenues to the same belonging,
 “ and now remaining unseparated from the
 “ same, and in the Possession of the Clergy,
 “ to Your only Use, according to the Taxati-
 “ on and Valuation mentioned in our said
 “ Grant of the said *Subsidy*; the *Tenth* thereof
 “ being deducted, and not otherwise, if it shall
 “ please your Highness to like, and assent
 “ thereunto: All Vicarages under the Value of
 “ Ten Pounds, after the Rate in the said Taxa-
 “ tion, and all Lands, Revenues, Possessions,
 “ Benefices, and Appropriations, belonging to
 “ either of the Universities of *Cambridge* or
 “ *Oxford*, or unto any College, Hall, or
 “ I House

“ House of Students in the same, or either of
 “ them, or to the Collegiate Church of *West-*
 “ *minster*, the Free Chappel or College of
 “ *Windsor*, the College of *Eaton* by *Windsor*,
 “ the College of *Winchester*, Founded by Bi-
 “ shop *Wickham*, or to any Almes-house, Hof-
 “ pital, or Grammar-School, Ushers, Gramma-
 “ rians, Petty Canons, Conducts, Vicars Cho-
 “ ral, Singing-men, Choristers, Vergers, or
 “ any other necessary Inferior Officers in any
 “ Cathedral, or Collegiate Church, or Col-
 “ lege, within the said Province, or towards
 “ the re-edifying or repairing of any the same
 “ Cathedral or Collegiate Churches, only ex-
 “ cepted.

“ The said Contribution, or Benevolence of
 “ Three Shillings in the Pound, as is aforesaid,
 “ to be made to such Person, or Persons, as
 “ your Majesty shall appoint for the Receipt
 “ thereof, to *your Highness's only Use*, at Three
 “ several Payments, without any Deduction,
 “ saving 4 *d.* of every Pound for the Collecti-
 “ on and Portage, and without any manner
 “ of Charge to the Accomptant, saving 3 *sh.*
 “ and 4 *d.* for the general Acquittance for
 “ every of the said three Payments: The first
 “ Payment thereof to be due the First of *May*
 “ next; And the second Payment to be due
 “ the First of *May*, which shall be in the Year
 “ of our Lord 1588. And the Third Payment
 “ to be due the First of *May*, which shall be in
 “ the Year of our Lord 1589.

“ And we your said *Prelates* and *Clergy* most
 “ humbly beseech your Majesty to take in good
 “ Part our Loving Minds, and good Will, and
 “ not only to accept this small Gift of ours,
 “ tho

U
 the G
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Convoc
 them a

" tho' it be nothing answerable to our Desires,
 " but also by your Majesties Letters Patents under
 " your Great Seal to assent thereunto ; and to License
 " and Authorize us in this our Convocation and Sy-
 " nod, to devise, make, and ordain such Orders, De-
 " crees, and Constitutions, Provincial, and Synodal,
 " as we shall think most expedient for the more speedy
 " and sure Levying and Payment of the said Bene-
 " volence, or Contribution : And thereby also to give
 " and testifie your Majesties Royal Assent to such Or-
 " ders, Decrees, and Constitutions as in this our Sy-
 " nod or Convocation we shall make, decree, or or-
 " dain, for the speedy and sure Levying and
 " Payment thereof to such Person, or Persons,
 " as your Majesty shall appoint for the Receipt
 " thereof, as is aforesaid. *In cujus Rei Testimo-*
 " *nium Nos Johannes divina Providentia Cantuar.*
 " *Archiep. &c. ad Petitionem Confratrum nostrorum,*
 " *& totius Cleri Provinc. nostræ Cant. Sigillum no-*
 " *strum Archiepiscopale præsentibus apposuimus. Dat.*
 " *in Eccles. Collegiatâ D. Petri Westmonast. 4to*
 " *die mensis Martii Ann. Dom. secundum Eccles.*
 " *Anglican. Computationem 1586. & nostræ Transl.*
 " *Ann. 4to.*

Extract. è Registro Provinciali
 Sedis Archiep. Cantuar.

Upon this, the Queen's Letters Patents † under
 the Great Seal issu'd, according to their desire,
 and in these Terms :

Convocation-Book of York ; the Other, in the Books of Exeter.
 them are Dated.

† These
 also I take
 from two
 Copies ;
 One, in the
 Neither of

REGINA, &c. Omnibus ad quos, &c.
 Salutem. Cum Prælati & Clerus Cantuar.
 Provinciæ nostræ Authoritate in Synodo sua seu Con-
 vocatione congregati ex intimâ & propensâ animorum
 suorum affectione quam erga nos gerunt, ultra & præ-
 ter Subsidium sex Solidorum singularum Libratum An-
 nuarum, etiam quandam Benevolam Contributionem
 trium Solidorum pro singulis Libris Annuis omnium
 & singulorum Beneficiorum suorum Ecclesiasticorum,
 & Promotionum Spiritualium quarumcunque, ac om-
 nium Possessionum, & Reventicum eisdem annexarum
 seu quovis modo spectantium & pertinentium dederint
 & concesserint, prout per quoddam Scriptum seu In-
 strumentum Publicum Sigillo prædicti & Fidelis
 Consilarii nostri Johannis Arch. Cant. munitum, &
 nobis exhibitum, gerens datum 4. die Martii A. D.
 juxta Comp. Eccl. Angl. 1586, plenius liquet, &
 apparet: Sciatis igitur quod Nos ad humilem Peti-
 tionem Prælatorum nostrorum & Cleri antedicti præ-
 fatæ Benevolæ Contributionis Concessionem accepta-
 mus, approbamus, & eandem confirmamus, ratifi-
 camus, & stabilimus, ac eidem, omnibusque & sin-
 gulis Clausulis, Sententiis, Provisionibus, & Excep-
 tionibus in dicto Instrumento contentis & Specificatis
 Regium nostrum Assensum ex certâ Scientiâ, & mero
 Motu nostris præbemus per præsentem. Ac insuper
 sciatis, quod ex Gratiâ nostrâ Speciali, ac certâ Sci-
 entiâ, & mero Motu nostris Licentiam, Facultatem,
 & Authoritatem Prælati nostris & Clero prædicti
 in hac præsentem Synodo congregatis decernendi, or-
 dinandi, & constituendi quacunque Decreta,
 Ordinationes, & Constitutiones Synodales, ac
 eadem sic per ipsos Decreta, Ordinata, & Consti-
 tuta Executioni mandandi, & cum effectu exe-
 quendi, quæ sibi commoda & opportuna videbuntur
 pro

pro meliori verâ ac justâ Collectione & Solutione dictâ Benevolæ Contributionis, & cujuslibet inde Parcellæ, dedimus, concessimus, & confirmavimus, ac etiam damus, concedimus, & confirmamus per præsentés. In cujus rei, &c.

By vertue of these *Letters Patents*, the Synod proceeded formally to Decree and Pass their *Constitutions* for raising the *Benevolence* before granted. And the Preamble of those *Constitutions* was, as follows.

Ordinationes aliquot Synodales factæ 10. die mensis Martii A.D. &c. 1586. per Reverendissimum Patrem Joh. Cant. Arch. aliisque Prælatos Prov. Cant. secum sedentes, & reliquum Inferiorem Clerum in Sacrà Synodo infra Eccl. Collegiat' D. Petri Westm. pro Collectione & Solutione cujusdam Extraordinarij Subsidij trium Solidorum in quâlibet Librà nomine Benevolæ Contributionis Serenissimæ Dom. nostræ Dom. Reginae Eliz. &c. per eosdem Archiepiscopum, Prælatos, ac Clerum in dictâ Synodo congregatos 4to. die ejusdem mensis Martii concessæ.

Quum Nos Joh. div. Prov. Cant. Arch. &c. Episcopi, Prælati, & Clerus, &c. in Sacrà Synodo Provinciali, sive Prælatorum & Cleri ejusdem Cant. Prov. Convocatione in Eccl. Cath. D. Pauli Lond. 16. Mensis Oct. A. D. 1586. jam current. inchoatâ & celebratâ, ac de tempore in tempus ex causis urgentibus ad Eccl. Collegiat' D. Petri Westm. ac ibidem de diebus in dies continuatâ congregati, post multa ibidem per nos tractata, die Sabbati, 4. viz. die Martiis præsentis Martii 1586. quândam Benevolam Contributionem trium Solidorum pro quâlibet Librà Illustrissimæ & Potentissimæ Principi Eliz. &c. præter & ultra Subsidium Sex Solidor' in quâlibet Librà concesserimus ex Beneficiis & Proventibus no-

stris Ecclesiasticis, sumptibus & expensis omnium nostrorum colligend' & levand' infra prox. triennium persolvend' singulis viz. annis, durante illo Triennio, Modo, Formâ, Diebus, ac sub Cautionibus, & Conditionibus---prout in quodam Instrumento publico inde confecto, & Sigillo Archiep. Cant. munito; Dat. 4. die hujus mensis Martii, plenius liquet. Quâque eadem Serenissima Dom. nostra Regina per Literas suas Patentes sub magno Sigillo suo Angl. Assensum suum Regium eidem Concessioni adhibuerit, & in eisdem suis Literis Patentibus huic Sacr' Synodo Potestatem & Auctoritatem Canones & Ordinationes Synodales pro Collectione & Levatione dict' Contributionis Faciendi, Promulgandi, & Exequendi concesserit, ut per dictas suæ Majestatis Literas Patentes plenius apparet. Ut igitur hujusmodi nostra Concessio faciliorem & magis expeditum consequi possit effectum; utque, &c.

Statuimus, Ordinamus, & Volumus quod dicta Contributio ab omnibus & singulis personis Ecclesiasticis, &c.

Item Auctoritate præsentis Conv. sive Syn. Ordinamus & Statuimus, &c.

Now, first, we have from hence a manifest Proof that the Practice of that time was, for the Clergy to *Treat, Resolve, and Act* Synodically, without any antecedent *Qualification, or License* from the Crown: for, we see here, they *Treated* of an *Extraordinary Benevolence*, and *concluded* upon it, and *reduc'd* their Grant *into Form*, and *presented* it to the Queen, before any such *License* was ask'd, or obtain'd.

Thus far, it is evident, they had gone, in the strength of those Powers which were lodg'd in them by their Writ of Summons; and it is probable

bable

bable that they had gone somewhat further, and had actually prepar'd *Draughts* of these Canons, which they now ask the Queens Leave to finish : at least, it is certain, that they had made such *Preparative Draughts*, before the Queen's License issu'd. And the Grounds of my certainty in this case, are These.

We may observe, that their *Request* (which accompanys their *Grant*) to the Queen, run's, that she would in the same Instrument, whereby she was to License them to Decree Canons, *give also and testify her Majestys Royal Assent* to those Orders, Decrees, and Constitutions : which impiys that the Queen was to see a *Draught* of these Canons, before she granted her *License* ; because in her *License* she was to express her *Assent* to them : and it is inconceivable that the Clergy should move her to Assent to any thing, without seeing, or considering it.

In pursuance of this *Request*, the Queen's *License* issu'd, containing in it a Power for the Clergy to proceed in *decreeing, ordaining, & constituting* their Canons, and a Power also of *putting in Execution* what they should so Ordain, without any further Recourse to the Crown. And we may be sure therefore that, ere the Great-Seal was set to this License, some *Draughts* of these Canons had pass'd the Queens View and Approbation : for it was not consistent with her Princely Dignity, to ratify any Decree of her Clergy implicitly, without having a sight of it. And could they have been Unreasonable enough to have made such a Request, yet she was too Wise, and too Jealous of her Honour, ever to have granted it. Canons fram'd on so

* It was not, strictly speaking, a Grant to the Crown, but to the Queen's Person alone, nor given for Public Uses, but for her Own Private Occasions: and was therefore to be pay'd in, not to the Officers of her Exchequer, as was usual; but to whom so ever she should appoint. Which were circumstances that render'd this new Precedent so much the more Dangerous.

Nice an Occasion as that of Granting a Tax to the Crown * by the Sole Authority of Convocation (a Thing never hitherto practis'd, after the 32 of H. 8, by any of his, or by any of the following, Protestant Synods) might happen to contain matter in them Injurious to the Queen's Prerogative, or to the Right of the Subject; to be sure, they were like to give Distaste to the Parliament: And can we think that this wary Queen would have put her Last Fiat to such Canons, at a venture, without perusing them? Never any of our Princes acted thus, in any of the Licenses they granted to their Clergy. That of King James the First, did indeed impower the Conv. of 1603. to Treat, Debate---and agree upon New Canons, and on the Expositions or Alteration of Old Ones, and to set down in Writing what was so agreed upon, and Synodically defin'd. But this was in order to it's being Exhibited and Deliver'd afterwards to himself, for his Royal Assent and Approbation; which was to be express'd in his Letters Patents under the Great-Seal of England. But here, the Letters Patents themselves, by which License to ordain Canons is granted, do also finally ratify and confirm them: which is a Clear Proof that, ere these Letters-Patents went out, the Heads, or Rough Draughts of such Canons had been layd before the Queen, in order to obtain her Confirmation of them. And we may observe the different Methods taken by these Two Synods. That of King James, which Treated & Acted Originally by a License, did all their Work also

at

at first, and concluded their Canons finally, as far as the Power of the Synod was concern'd, before any recourse had to the King for his Confirmation: whereas this Synod of Queen Eliz. Treating without a License, did only prepare Minutes of Canons, to be layd before the Queen; and then obtain'd her License to Enact and Decree what they thus propos'd, and had her Royal Ratification also joyn'd in the same License; because what She was to ratify had already pass'd her Approbation, before She gave them Leave to Ordain it.

This Account of things is highly Reasonable in it self, but it is further confirm'd by plain Matter of Fact; all the Remains which we have of the Acts of this Convocation vouching entirely for the Truth of it. For thus speaks a good Abridgment of the Journals of the Upperhouse.

“ 3. Sess. March 3. 1586. The Archbishop at a Conference, proposes a Benevolence, besides a Subsidy — The Bishops and Lower House assent both to the Benev. and Subf. The Subsidy is one single Subsidy of 6. s. payable yearly at 2. s. per ann. the first payment Oct. 2. 1588. the Last Payment. Oct. 2. 1590. à fol. 77. ad 86.

“ 4. Sess. March. 4. 1586. Draught for a Grant of a Benevolence as of 3. s. per Libr. brought up from the Lower House, to be pay'd at three payments, yearly 12. d.; the first payment May. 1. 1587. The Last Payment May 1. 1589. [fol.] 86, 87.
“ Synodal Ordinations for the Collecting the said Benevolence. [fol.] 88, 89, 90.

“ Queen's

“ Queen’s *Acceptance*, and *Confirmation*. [fol. 90, 91.] i. e. the *License*, by which she signity’d her *Acceptance* of the *Grant*, and her *Confirmation* of the *Canons* then propos’d. [Then comes a Note of two Empty Sessions, wherein the Houses did nothing but adjourn; and, after that]

“ 7. *Seff.* March. 10. 1586. The Archbishop, by
“ the Queens Command, thanks the Clergy for
“ their Benevolence &c.

[Two Sessions more intervene, with Adjournments only; and then it is said,]

“ 10. *Seff.* March. 15. 1586. The *Ingrossment*
“ of the *Benevolence*, and *Ordinances*, for the
“ Collection brought in; consented to by Both
“ Houses.

We see here that the *Synodal Ordinations* were entred in the Convocation-Book, before the Queen’s *License*; which is a manifest sign that the *Draught* of the One preceded the *Grant* of the Other. First the *Instrument* for the *Benevolence* is register’d; then a Copy of the *Ordinances*, intended for Levying it; and after these, the Queen’s *License* to Decree, and put in *Execution* these *Ordinances*: which was really the true Order of time in which Each of these hapned.

The *License* indeed dos not seem to have been brought into the House till March. 10. where the Archbishop, by the Queen’s Command, thank’d the Clergy for their *Benevolence*; and at the same time, it is likely, produc’d her *Letters-Patents*

tents for perfecting those Canons, which lay then ready to be decreed. Accordingly, they were on that day made, or decreed (so the *Preamble* of them speaks †) and commanded to be *Engross'd*, in Order to *Subscription*; and 5 days afterwards the *Engrossment* of them was brought in, and *sign'd* by Both Houses. *

† Ordinationes aliquot Synodales, facta 10. die Mensis Martii—

* This is certainly the Mean-

ing of that Expression in the Abridgment, at March. 15. that the Canons were then Consented to by Both Houses. For by that Consent cannot be understood their Synodical Decreeing of them; since we are sure this was done before on March. 10. when the Title of these Canons informs us, that they were Enacted, or Made. The Consent therefore of the two Houses 5. days afterwards can be understood of nothing but their Subscription. Into which sense the mention of the Ingrossment here does naturally lead us: for there could be no other Reason for Ingrossing Canons, which were already enter'd in the Records of Convocation, and ratify'd by the Queen, but in order to the Clergys Subscribing them.

This is the Account, which the *Minutes* of the *Upper-House Book* do naturally furnish us with: and I have given them the Reader at length, without concealing a Syllable, which has any Reference to the Subject in hand; that, having all my Evidence before him, he may judge the better, whether I argue rightly from it.

Some *Extracts* which I have from the *Journal* of the *Lower-House* fall in with this Scheme, and confirm it: for there, at *Sess. 7. March. 10.* this account is given of what pass'd *Below*.

“ Proloc. sent for up, with all present. They
 “ return, all but Prol. who stay'd a while
 “ with the Bishops. Prol. with consent of all
 “ present, chooses Three with him to treat with
 “ the Bishops, *de Constitutionibus & Decretis Li-*
 “ centia

* These are the very words of the Original Register.

“ *centia & Vigore Literarum Patentium Stabiliendis*
 “ *pro Concessione Benevolentiae* *.

The House is said here to treat, not about preparing, or drawing up Canons; but *de Stabiliendis*, about *Etablissement*, or Decreeing them: which supposes such Canons to have been already drawn up in a preparative way, and to be then lying before them, ready to receive the Stamp, and Authority of Convocation. Ad' if so, and the *License* was on that day first produc'd (as the Acts of the Upper-House seem to say) then the *Draught* of the Canons must have been made, before Leave obtain'd for Decreeing them.

When therefore the Clergy, at the Close of their *Benevolence*, pray a *License* to devise, make, and Ordain Canons, by devising, and making, they can mean nothing more than putting the last hand, and giving the *Synodical Authority*, and

† The Style of these Canons is very Authoritative & Solemn (See before p. 110) and it is probable, they might not be put into this Form, till the *License* was obtain'd.

Form † to those Canons, of which a Rough Draught then lay before them. This appears, in some measure, from those words [*Make, Decree, or Ordain*] which occur in the

Clergy's Petition, a few Lines afterwards; and are us'd there as Expressive of these Others [*Devise, Make, and Ordain*], and Equivalent to them. But it is more clearly made out by the Tenor of the *License* it self, which issu'd upon their Request; and which gave them Power

* *Licentiam, Facultatem, & Auctoritatem Decernendi, Ordinandi, & Constituendi quæcunq; Decreta &c.* See the *License* it self before, p. 108.

only to *Decree, Ordain, and Constitute* *: and yet, we may presume gave them all the Power they ask'd. When they desire therefore Leave to De-

vise, Make, and Ordain, they mean nothing more than

than to *Decree, Ordain, and Constitute* ; since no Leave for any Synodical Act, antecedent to these, was given them.

At least, it must be allow'd, that if *All* they *ask'd*, was not *Granted* by the Queen, it was for this Reason ; because *All* they *ask'd*, was *not necessary* to be granted. And this Supposition is as favourable to what I assert, as the other. For either the Clergy meant the very same by *Devising, Making, and Ordaining*, as the Queen by *Decreeing, Ordaining, and Constituting* ; or, if they meant more, and more was *necessary*, then the Queen's *License*, issuing on their Request, was *Defective*, and such by which they could not have proceeded to pass and perfect their Canons. And yet they went on, we see, in virtue of this License, to finish what they were about : If therefore they at first *ask'd* more than Leave to *Decree, Ordain, and Constitute*, they were however satisfy'd at last that more was not *necessary* ; since, without the Grant of more, they proceeded to Establish the Canons than in Agitation.

But that indeed by *Devising* and *Making* Canons, they meant much the same thing as *Ordaining* and *Constituting*, the like Use of the same Words, on the same Occasion, in a Letter enter'd in the Convocation-Book of York-Province, plainly proves. That Letter is written to the Archbishop's Commissioners in that Meeting to each of his Suffragan Bishops ; and therein an Account is given how the Grant of a *Subsidy* and a *Benevolence* had been made, and how her Majesty had *Licens'd and Authoriz'd* them to *Ordain, Devise, and Make Decrees and Orders for the true Collection and Payment of the same* :
where

where the words, *Devise* and *Make*, coming after that of *Ordain*, cannot signifie less than that does, nor be intended to express only some Synodical Acts and Steps previous to the Ordaining of Canons ; but must, in all good construction, have as Full and Extensive a Sense as the Verb has, which precedes them.

To bring these Reflections yet nearer home to our purpose, we may observe that in the *Preamble* of their Constitutions, they say, that by this License the Queen had authoriz'd them to *Make*, *Promulge*, and *Execute* these New Canons: which are the very Words of the *Submission-Act*, where it specifies the Powers, for which a License is necessary ; and are us'd here, to shew, that the Restraints prescrib'd by that Act were strictly observ'd. From whence we may certainly Collect that the Clergy thought their Power in this respect to be barr'd by no other Words in the Act but these *, and had therefore no Apprehensions of their being forbid by the Statute to *Attempt* a New Canon. For had they thought that Branch of the Act, where the word *Attempt*, is, applicable to *New Canons*, they would have so apply'd it here, and have vouch'd their *License*, as a *Warrant* for *Attempting*, as well as for *Making*, *Promulging*, and *Executing* their Canons.

We may further from hence satisfy our selves, how the Phrase of *Making a Canon*, us'd in that Act, is to be understood ; It is manifest that it signifies the same with *Enacting*, or *Decreeing* it : for otherwise the Clergy would not have said that their License gave them Power to *Make* ; when the Power there given was, to *Decree*, *Ordain*, and *Constitute* Canons ; unless

Making,

* And the word, *Enact*, just before us'd there in a sense perfectly Equivalent to *Make*.

Making, Decreeing, Ordaining, &c. had been lookt upon by them as Terms Tantamount in their Signification. And accordingly, when these Canons were Enacted, *March* the 10th, they are (we may take notice) in the *Title* of them said to be *made*; that is, not then first *Drawn* (for the Original *Draught* must, as I have shewn, have been Earlier), but then first solemnly *Decreed*, and *Pass'd* by them.

There cannot therefore be a better Testimony of the Statutes being Then understood in that sense for which we contend, than this Instance of the *License* now before us; which I have dwelt upon, and explain'd very largely, because it was the first *Written License* of any kind, by which any of our Provincial Synods ever acted; as that in 1603 was the first that pretended to give power for the Clergy's *Treating*, and *Debating* upon Canons. What were the Critical Circumstances that gave birth to this New Precedent, at this particular Juncture, may deserve our Enquiry: And the Case was plainly this:

In *March* 1584, the Convocation had set out *Canons* with an Invidious and Offensive * *Title*, seeming to imply the *full strength and Authority* of them to have proceeded from the Clergy, antecedently to the Queen's Confirmation, and Allowance. Their Enemies made advantage of this false step of theirs towards raising a Clamor against them, and upon this Head, among others, Petition'd against them in the Next Session of Parliament; complaining, that "they had *Made*,

* Articuli per Arch. Episcopos & reliquum Clerum Cant. Prov. in Synodo inchoatâ Londini, &c. *Stabiliti*, & Regiâ Authoritate approbati & confirmati. *Sparrow*, p. 192.

" *Pro-*

† Not, that they had Attempted them; which would, we may be sure, have been mention'd, had the Prohibition of Attempting, been thought at that time, to extend to New Canons.

“ Promulg’d, and Executed †
 “ Articles and Injunctions,
 “ without her Majesty’s
 “ Writ, and Royal Assent,
 “ contrary to 25 H.8.&c. [See
 the words at length, before
Addit. pag. 44, &c.] And the

House of Commons, who were then inclinable enough to listen to such Complaints, made use of them to their Prejudice. When therefore the Convocation of 1586 met, and had occasion to make *Canons*, they found themselves oblig’d to proceed more warily, and to adapt their Practice to the most Rigorous and Extensive construction of the Statute of Submission; by which they were allow’d only to *prepare Heads*, and *Unform’d Matter* for the Queen, but forbid to *Enact, Make*, or *Compleat Canons*, till they had Her *License* for it. And this way therefore they took in their present Meeting; to which they were inclin’d the rather, because the *Canons* then upon the Anvil, were of an *Extraordinary Nature*, and design’d to Levy a Grant of Three Shillings per Pound upon the Clergy, without Consent of Parliament: which was a very Hazardous Attempt, and to be manag’d therefore with the Utmost Caution and Prudence. This, I take it, gave occasion to the Practice of a *License under the Broad Seal*; now first introduc’d, and never again repeated till the Year 1603, when this Precedent was improv’d to the Disadvantage of the Clergy, and a *License for Decreeing Canons* turn’d into a *License for Treating and Debating*, &c. upon them; as it has ever since continu’d.

E’er

E'er I leave this Instance, I must observe yet one thing further to the Reader upon it ; that the *License* here given was *Special*, and design'd to Qualifie the Clergy for a *Particular Act* only of an Uncommon Nature, and Dangerous Consequence ; and of which the Crown, if joyning with the Other Parts of the Legislature, might hereafter have taken advantage, to the utter Undoing of the Clergy, had not the Queen foreclos'd her self, and her Successors, from any such Attempts, by warranting what was now doing, under the Broad Seal of *England*. And when the Clergy were about to do something that had not hitherto been practis'd, it is no wonder, that they should Enable themselves for it by *Powers*, which had never before been made use of. But *beside* the Matter of the *Benevolence*, much *Other Business* was done in that Convocation, and some of it Business of Moment ; and for the Dispatch of this, they had no other *Warrant*, or *Authority* from the Crown, except what their *Writ of Summons* contain'd in it. I shall give the Reader from that *Abridgement*, and those *Extracts* I mention'd, some Particulars, relating to the Affairs then before them.

The *Parliament*, with which this *Convocation* was call'd, began in *Octob. 1586*. After the Opening of which these things (among others) appear to have been *done*, or *debated* by the Clergy in Synod.

*Journal of the Upper
House.*

*Journal of the Lower
House.*

6. Sess. Nov. 9. 1586. Decided against Mr. Thoroughgood for Mr. West, in a Cause of Election to be Clerks of Convocation.

8. Sess. Nov. 18. 1586. Archbishop gives Intimation at a Conference with the Lower House, to Present, if any Bishop had Ordained or Instituted any Unworthy Persons---or of any Breach of the Canons; that it may be reform'd.

13. Sess. Dec. 2. 1586. Brought in by the Archbishop, Orders for Increase of Learning, &c. the same which are Registered in Whitgift. Repert. in Vic. Gen. Off. See before in A.B. Whitgift. 1. part. 69. Registered, Convocat. Book, fol. 79.

Brought up by the Lower House Two Schedules: 1. A Complaint of Disorders in Norwich-Dioecese; Registered at Large. Particulars, 1. No Observation of the Canons. 2. Unworthy Persons Ordain'd

Sess. 2. Nov. 4. Proloc. assign'd 15. in Assessores sibi tractaturos de rebus & negotiis in hujusmodi Convocatione tractandis & expediendis. Cujus quidem Assignationi Omnes praesentes---unanimiter consentiunt.

Prol. admonishes all to come in Clerical Habits, or not to come into the House: Et ut, si qui sint, qui aliquas Schedulas proferre vellent, de Rebus in hujusmodi Convocatione Reformandis, easdem sibi traderet in prox. Sessione.

Sess. 3. Nov. 9. A Question about Election to be Procurator Cleri, between Dr. Day and Mr. Knewstubs. Prol. swears Witnesses about the Custom of the Election, &c. ac dein Dom. Prol. continuavit Convocationem, quoad hanc Domum, usq; in, &c. The Witnesses depose that the Archdeacons of Suff. & Sudbury chuse a Procurator alternis vicibus: And when the One chusetb, the

and Instituted. 3. Penances commuted by Ecclesiastical Judges. 4. Chancellor and Commissaries Curates no Votes. catching at Causes who shall get most. 5. Excommunication for Trifles. 6. No care of the Poor : And Orderly Painful Preachers discourag'd ; the Disorderly promoted, and made Reformers. 7. Exaction of Fees. 8. Preaching without License : Whereupon desir'd, that None may Preach by License, unless he conform to the Book of Common-Prayer, and use it in all his Administrations. 9. A Restraint of Inhibitions of Fees. fol. 70, 71. Another Schedule, intitled, Suffolk-Archdeaconsry. Particularly, viz. &c.

1. The Communion, not at all, or but in part used and observed. 2. The Surplice refused. 3. Holydays not observ'd. 4. Communion received by many Sitting ; and the Conformers to the Church called Time-servers. 5. Stipendiary-Preachers, and Curates, Mutinous and Disorderly.

the Other doth neither appear, nor contribute towards the Procurator's Charge. Curates no Votes. Sess. 4. Nov. 11. Day asks to be admitted. Prol. Decries him to be admitted, and does admit him. Tunc Prol. certior factus de voluntate Reverendissimi per Redman Registrarium Reverendissimi quoad Controversiam super Electione Clericorum Diocesis Norwic. viz. quod idem Reverendissimus protulit Sententiam suam pro parte Magistri contra Mag. Thoroughgood, intimavit hæc omnibus præsentibus, & monuit eos ad recipiendum Mag. West. in Cætum hujus Domus. Et continuavit, quoad hanc Domum, in, &c.

Sess. 6. Nov. 18. Prol. sent for by Archbishop, goes up with two Deans. After some Treaty, All the House were sent for, and come up. Where the Archbishop admonish'd them to keep the Canons already made, and make Reformation in their Churches. Being return'd, Prol. exhorts them to re-mem-

orderly. 6. Quest-men member the Monition, & faulty in not Presenting. continuavit quoad hanc Domum. [fol.] 70, 71.

Prorogu'd by the Arch-
bishop to the 17. Feb. 1586.
at St. Pauls.

Sess. 11. Dec. 2. Aft.
at St. Paul's. Prol. with
Three more, went to the Up-
per House. Then return'd,
and told them that Arch-
bishop and Bishops were in
Consultation De Reforma-
tione fiendâ quoad Sche-
dulas eidem Reverendissimo
ac Domino Prolocutori Ex-
hibitas; & quod Con-
ventum est inter dictos
Reverendissimum & Præ-
latos de Exercitiis fiendis
per Ministros infra Prov.
Cant. And that the said
Reverend Fathers, when
they come into their [Dio-
ceses] will signifie the Order
of these Exercises to all
that are concern'd. Prol.
continuavit, quoad hanc
Domum, ad 17. Febr.

1. Sess. 17. Febr. 1586.
Conference with the Lower
House. Suspension against
the Absent. A Subsidy pro-
posed, &c.

7. Sess. Mare. 10. 1586.
Archbishop by the Queen's
Command-----Warns the
Archdeacons to be Vigilant
against

1. Sess. February 24. at
Westm. After Prayers, Pro.
sent for up, went with two
Deans. Then all the House,
sent for, went. Archbishop,
because Few appear'd, inti-
mated to Proloc. that Ab-
sents are to be Suspended
for Contumacy. Then he de-
clar'd

against Disorderly Clerks clar'd the Matter of the (upon a Complaint of the Subsidy.

House of Commons); and Bishop of Lond. com- to take care that Preachers plain'd of the Dean of Nor- preach to Edifying, not Mat- wick, and Others, for not- ters of State. [fol.] 92. Preaching at Paul's Cross,

Then the Proloc. pray'd according to Monition.

the Articles agreed on by Prol. return'd, and chose the Bishops (formerly men- 15. nam'd for his Assessors. tion'd) for Increase of — Prol. declar'd all Con- Learning in Inferior Mi- tumacious, that were Ab- nisters, might be read; sent without Leave, except which was done. The Arch- Those that Preach'd that bishop Exhorts all the Cler- Day — ask'd Leave to gy to do their Duty. [fol.] name Six to draw the Li- 92. bell for a Subsidy; two

10. Sess. Mar. 15. 1586. Deans, two Archdeacons, The Lower House beseech and two Clergy. All agreed. the Bishops to be careful of Sess. 2. Mar. 1. Wedn. Ordinations, and that Prol. sent for, went up with their Officers take not Ex- two Others, and return'd. cessive Fees, and that Gabr. Holt, a poor Clergy- they will force every Insti- man, begs. 26 s. 6 d. Colle- tuted Person, within a cer- cted, and deliver'd to him tain Time to take Inducti- per Prol. Prol. intimavit on, or else Sequester the Continuationem — Then Profits. [fol.] 93. Prol. sate with Seven As-

11, 12, 13. Suspension sessors. of Absents, or Departers Sess. 3. Mar. 3. Prol. sent without License. 94, 95. for up, went with two O-

14. Sess. Mar. 24. 1586. thers. Returns, and tells the Absolution of the Bishop House he had treated above of St. Asaph, and Others, about the Subsidy, to which from Suspension. fol. 96. all agree for 3 s. per Libr.

Orders for Increase of — except, &c.

Learning, above menti-

on'd

K 3

Mr.

tion'd at Large. 97, 98.
Convocation Dissolv'd.

Mr. Redman the Archbishop's Register, brought the Libell [into the Upper House] and read it. There it was corrected and perfected. Then Prol. with the rest, return'd into the Lower House.

Sess. 4. Mar. 4. Libell read, and approv'd.

Sess. 10. Mar. 15. Afternoon. After Prayers, Prol. sent for, went up with two Others; and being return'd, Prol. deliver'd the Notary some Constitutions for the Benevolence, which he read, and all approv'd.

Archd. of Derby requested that the Apparitors of the Province might have Fees for Monitions: Upon which, there was a Debate between Him and Proloc. who went up to acquaint the Upper House with this Debate, &c.

Sess. 14. Mar. 24, Afternoon. Prayers, Preconization, by Order of Prolocut. But before that was quite ended, Prol. and All, were call'd into Henry the 7th's Chappel. There the Archbishop complain'd of them that were cited, and

did

did not appear ; and complain'd also of the Disorderly Behaviour of some Clergy-men, at Markets, and Publick Places, which gave Scandal. This he would have their Bishops take notice of, and punish. Then a Schedule being produc'd of the Contumacious, Archbishop pronounc'd them under Suspension ; and then Dissolv'd the Convocation.

Can any thing be plainer, than that this Convocation thought themselves impower'd by their Writ to do all sort of Synodical Business, except that only of *Making*, or *Decreeing* of Canons ? Can there be a clearer Proof of the Clergy's Liberty to act in all Other Points ; than their desiring a *License* in that one particular Case, of *making Canons* for raising a *Benevolence* ? Or can their Right of *Treating*, and *Preparing* matters even in this particular case, be better made out, than by their proceeding in it, upon a Commission, which pretended not to qualifie 'em for any Synodical Act, previous to that of *Decreeing*, *Ordaining*, or *Constituting* a Canon ?

It would be vain to say, that this Synod might possibly have some other *General License*, by which they acted, beside this, they took out for the *Benevolence*. For if so, those *General Powers* would have made this *Special Warrant* utterly needless. And can it be imagin'd, that the Convocation-Books of Canterbury and York, where

the *Special License* for the *Benevolence* was formally enter'd, would have taken no notice of those *General Powers*, had any such been granted? The Records of *York* are yet entire; and there This License is to be seen at its full Length: but there is no Footstep of the Other. And tho' those of *Canterbury* have perish'd, yet the *Abridgment* I have of them is full and particular; giving an Account of the *Acts* of this Convocation, and of the *Instruments* contain'd there, Day by Day, and Leaf by Leaf: And a *Form* therefore of such Importance, and Length, as this General License must have been, could not have escap'd the Pen of the Abridger. So that we may, in a matter of this nature, depend upon the Authority of this *Abstract*, as safely, as if we had seen the *Original Journal*.

P.388.l. 16. "The Canons of Qu. Elizabeth's "time] I would be understood here of the Canons made for *Discipline*, which are collected by *Sparrow*. For those in 1586, made to raise the *Benevolence*, did, I confess, run in as High and Authoritative a Style, as these in 1603; having, as these had, a *Previous License* to warrant them.

P.389.l.33. "The Convocation had sat three "Weeks; and to be sure, in that time, had *treated*, without a Commission.] 'Tis true, but little, in relation to the *Debates* of this Meeting, is entred, antecedently to their *License*; and they seem to have adjourn'd, for the greatest part of the time, in Expectation of it. However, that something was *Treated of*, and *Done* by them, even before their License came, the Particular I have mention'd p. 427. (from an Abridgment of the Journal of this Convocation, and in the words

words of that Abridgment) manifestly proves. It is but a single Instance indeed ; but it makes good their Right of *Treating*, as well as if there were more of them. For they that treated in *This Case*, without a License, might, if they had pleas'd, have treated in several *Others*. To say, that the King's *Letter* to them, pressing 'em to dispatch this *Affair*, was their *Warrant* for Debating it, is frivolous : for, as far as we can learn, it was only a Quickning Message, which suppos'd 'em to be upon the Debate already, but to proceed but slowly in it : and is therefore a *Proof* of the Exercise of their Power, not a *Permission* of it.

Thus agen, when this very Synod met, upon a Prorogation, on Nov. 6. 1605. and had, in the Progress of that Session, Bishop Overall's Convocation-Book before them ; from the same *Minute* of their Acts it appears (and it is extremely Remarkable) that the *Copy* of that very Book was brought in, and propos'd to the consideration of the Clergy, some days before their *License* came to 'em. For at Jan. 24. 1605. we have these words : " Archbishop delivers a *Book*,
 " drawn up concerning the *State of the Church* ;
 " desires both Houses to take *Copies*, and con-
 " sult about it. — And then the 29th of Jan. following, " Archbishop brings in the King's
 " *License* to make *Canons*. So that, after these *Commissions to Treat* came into Request, the Convocation, it seems, did not think it self so far bound up by them, as not to be able to consider of *Canons*, previously to the Grant of any such Powers, and even to propose the first Draught of an whole Book of Church-Acts and Constitutions. And we need not doubt there-
 fore

fore but that, in every Instance beside that of *Making Canons*, they look'd upon themselves as perfectly free ; notwithstanding the *General Clause* in their *Commission*, impow'ring them " to " Treat and Agree upon such Other Points, " Matters, Causes, and Things, as the King " should, from Time to Time, cause to be deliver'd to them. Of which this also is a further and more convincing Evidence, that, if we consider all the Convocations since the 1st Jam. 1. we shall find, that none of 'em took out *Licenses*, but when they had this very Business to do, Convocations have sat, all along since that time, with Parliaments, and New Sessions of the One have been accompany'd with New Sessions of the Other. And yet not above five or six of these Meetings (that is, not above One in Ten of them) have ever accepted *Commissions* : because no more than these ever had any Intentions to *make Canons* ; which was the only Church-work for which they reckon'd themselves Unqualify'd, without a Broad Seal. For it cannot be imagin'd, that they came together thus solemnly and regularly, at every Parliament, only to choose a *Prolocutor*, say their *Prayers*, hear a *Sermon*, and Adjourn ; or that they continu'd together, when met, for no Other End, but only to read the *Litany* over on *Wednesdays*, and *Fridays* ; as my Lord of *Sarum* * is pleas'd to Word it. The Records indeed, which would have clear'd this Point, are lost : However, we are not altogether without Evidence of it ; as I have shewn by some Instances already produc'd, and could here confirm the proof by several Others ; but that the Bulk of this Work deters me from entring on any New Matter ; and

I fore-

* Reflect.
on Rights,
of an Eng-
lish Conv.
p. 15, 16.

I foresee I shall have further occasion of appearing on this Argument.

P. 421. l. 19. "These are said to come *ex parte Domini Regis*, every where throughout the Arch-bishop's Registers.] Of which take this short and General Proof, which may save the Trouble of many Particular Ones. In the *Conv. 1. Dec. 1380.* Archbishop Sudbury, being then Chancellor; it is said in the Acts, *Non comparuit alius pro parte Domini Regis, qui exponeret Clero Negotia, sicut fieri consuevit in aliis Convocationibus*: But that the Archbishop himself perform'd the Office. Registr. Sudb. f. 72. b.

P. 431. l. 22. Dr. W. may perhaps endeavour to cover this strange Mistake by the Practice of York-Province, which is, to return two Proctors from each Archdeaconry, in Order, I suppose, to make the Convention full enough, to justify the name of a Provincial Assembly. For a like Reason, the Suffragan Bishops there sit and act with the Lower Clergy; their Number being too few to compose an House alone. These are Customs particular to that Province; but which Dr. Wake, I dare say, no more thought of, when he wrote his Book, than he did of receiving an Answer to it.

P. 446. l. 18. For Sudbury's Register, read Wittlesey's. The Place is, fol. 42. in the Acts of the Convocation of Apr. 24. 1371. where, at the 26. Apr. there are these Words. *Commissarius in Domo Capitulari -- una cum cæteris Prælati, & quorundam Procuratoribus sedens continuavit dictam Convocationem, cum Procuratoribus Prælatorum & Cleri Prov. Cant. præsentibus in Eccl. S. Paul. prædicta.* Again 2. May there is this passage, *Dom. Londin. in præfatâ Dom. Cap.*
una

una cum cæteris Prælatiſ prædictiſ ſedens, comparentibus coram eo Procuratoribus Religioſorum & Cleri Prov. Cant. --- expoſuit eiſ Regiam Voluntatem &c. and 3. May, much the ſame Expreſſions return. †

† In the Elder Acts of the Con-

vocations held under Iſlip, there are Expreſſions that look the ſame way : But not being ſo full to the purpoſe as theſe, I have not mention'd them. See Regiſtr. Iſlip. ad ann. 1351. f. 49. a. & ad ann. 1356. f. 118. a. Item Reg. Wittleſey, ad ann. 1369. f. 23, b. & 24. a.

Theſe Paſſages imply a *Division* between the Upper & Lower part of the Meeting to have now obtain'd ; tho' it was not yet perhaps fully ſetled ; at leaſt, not after the manner it is Now :

* Held. 1. for in a Conv. two years later than this *, it appears, that the Lower Clergy did again ſubdivide.

Dec. 1373.

Qui quidem Clerus (ſay the Acts of it, at 4. Non. Dec.) viz. Sæculares in una parte, & Religioſi-- in aliâ, ſe ad partes tranſtulerunt pro hujusmodi Tractatu habendo †. And after this, I find no

† Wittleſey, fol. 65. a.

Clear Intimation of the Division of the two Bodys, till the Conv. 20. May. 1384, when the Prælates (not the Biſhops alone) are more than once ſaid to *Treat by themſelves*, & the Proctors of the Clergy by themſelves †. And in the Conv. of Apr. 17. 1391. the Separation is expreſs'd yet more plainly : for there, Apr. 20. the Archbiſhop treats una cum Suffraganeis, & aliis Prælatiſ ; and again--*Habito inter omnes Pontifices & Prælatos Conſilio &c* (:) . And yet, in the Acts of ſeveral ſucceeding Convocations, there are, I know, words that ſeem to repreſent the Biſhops as ſtill *treating* & conſtituting a Diſtinct Body by themſelves.

† See Courtny fol. 79. a. ad 21. & 24. Maii.

(:) Ibid. f. 67. a.

P. 446. l. 20. " A Formal Mention of the Inferior Domus, and of a ſetled Brolocutor is not to be

"be found till sometime afterwards] The first Account of a *Prolocutor* that I have met with, tho' not under that Name, is in the Acts of the Conv. 6. Oct. 1399. where it is said — *surrexit quidam venerabilis Vir, Magister Joh. Maydenhith* (he was Dean of Chichester) *nomine Cleri Prov. antedictæ, & certos Articulos ex parte Cleri prædicti conceptos, & quamplurima Gravamina continentis publicè perlegebat* — *super quibus supplicavit humiliter & devotè, ex parte Cleri prædicti, dictis Dom. Archiepiscopo & Episcopis de remedio sibi in hac parte providendo opportuno.* † But under the Title of *Prolocutor* he is, as I take it, nowhere spoken of, till the Conv. 18. Nov.

† Arund. Part. 1. fol. 82. a. and
agen, fol. 82. b. the same Person per-
forms the same Office.

1415; in the Acts of which these words are found — *Decani, Archidiaconi, & Procuratores Capitulorum & Cleri traxerunt se in Domum Inferiorem, sub Domo prædictâ Capitulari, & infra tempus modicum redeuntes per Ven. Virum, Mag. Henr. Wase Officialem Curie Cant. Vocis suæ Organum, & Prolocutorem Electum, concesserunt Dom. nostro Regi duas Decimas* †. He is call'd here, *Prolocutor*

† Chichley
Part. 2. fol.
1.

Electus, * which supposes his Election to have been notify'd to the Upperhouse; or else their Actuary could not well have taken Notice of a matter, transacted among the Inferior

* Before this, an. 1394. the Grant of a Subsidy is said to be deliver'd to the Archbishop &c. per Ven. Virum Mag. Joh. Barnet &c. ad hoc specialiter Electum. Courtny. fol. 196. a.

Clergy, and not signify'd Above. And yet I find no Formal Account of the *Præsentation* of a *Prolocutor* till near forty Years afterwards, in the Conv. of Febr. 7. 1452 ||, (and after that again in the Convocation of May 6. 1460 †): and then he is presented by a *Single Person*; but lower in the Conv. of Mar. 21. 1480. by *Two*, as
at

|| See Reg.
Kemp, fol.
221. a.

† Registr.
Bourch.
fol. 13. b.
&c.

at this day. And yet, doubtless, he was, all along before this, *Presented*, as well as *Elected*; since this was evidently the Method in the Other Province. Of whose *Convocations* * no Acts at large remain, till those of the Synod of *Aug.*

* *There are in the Register of Greenfield, the Acts of a Provincial Council, held at the very beginning of the 14th. Century, for the Suppression of the Knights-Templars.*

12. 1426. And there a *Sermon* at the Opening of the Assembly, the *Choice*, and *Presentati-*

on of the Prolocutor are mention'd, as things a-course, practis'd long before, in the Assemblies of that Province. Verbo Dei per Ven. Virum Mag. &c. famosum in Theologia Doctorem, ut moris est, peracto—Prælati & Clerus—de mandato Dominor. Præsidentium ad partem se divertentes, Reverendæ Discretionis Virum Mag. Joh. Castell. S. T. P. in ipsorum Referendarium concorditer, ut apparuit, elegerunt. Quo per Prælatos & Clerum prædictum præfatis Dominis Præsidentibus præsentato, Ipsi Præsidentes præfatum Mag. Joh. Onus Referendariatus hujusmodi cum Protestatione consuetâ sponte in se suscipientem tanquam habilem atque dignum benevolè admiserunt †. And another Passage, in the Close of those Acts, seems to make the Office of a Prolocutor very antient, in that Province: for thus they speak, Referendarius allegavit, quòd nunquam fuit visum, sed expressè contra Consuetudines laudabiles istius Provinciæ, facere aliquos Articulos, seu saltem eorum Responsum in Scriptis redigi, sed Ore Tenus coram Præsidentibus per Referendarium proferri *. And if this Custom had now prevail'd so long in York-Province, we need not doubt but that in this of Cant. which That generally Copy'd; it had obtain'd much Earlier.

† Registr. Kemp. fol. 314. b.

* Ibid. fol. 319. b.

As to the *Inferior Domus Convocationis*, some Hint there is of it in that passage, Anno 1394. *Separato*

Separato Clero ad Claustrum, subtus eandem Domum Capitularem †. And agen, in the Conv. of Oct. 20. 1402. *Penult. Oct. Inferiores Prælati, & Procuratores Cleri*, are spoken of, as in *Basso, sub Domo Capitulari, insimul congregati* *. Yet clearer are the words of the Conv. of July 23. 1408. where the *Clerus Inferior* is said *a Majoribus Prælati* (who are before specify'd to be Bishops, Abbats, and Priors) *seorsum separari, & in Scholis Theologicis sub Domo Capitulari* ----- more *solito convenire* †. With several other Expressions to this purpose.

† Courtney, fol. 156. a.

* Arundel, Part. 1. fol. 54. b.

† Ibid. fol. 72.

At a second Convocation of this Year, in the Acts of Jan. 15. are these words, *Prælati in Domo Capitulari superius, & Clero in Valto inferius sub eadem Dom. Cap. Separatim more solito convenientibus* *. But the first mention of a *Lower House* in express Terms, is in the Year 1415, and in the Passage before cited for the word *Prolocutor*. Not that this is to be any Rule to us for Determining the Antiquity of the Division: for that the *Thing* was long before this mention of it; the Preceding Passages prove, in some measure; and the following ones, yet more plainly. *A. D. 1422.* there is mention of *Domus Inferior solita pro Cleri Procuratoribus, & ab antiquo in Chri Convocationibus assignata* †. And in the Convoc. of Oct. 12. 1424. it is call'd, *Inferior Domus, ubi Tractatus Cleri Procuratorum in talibus Conciliis fieri antiquitus consueverunt* ||. Which carries the Distinction of Two Houses at least 50 or 60 years backwards: for so far the force of the words, *Antiquitus*, and, *ab antiquo*, must be allow'd to extend.

* Ibid. Part. 2. fol. 7. a.

† Chicheley, Part. 2. fol. 33. a. || Ibid. fol. 37.

This strengthens what has been observ'd on some Passages in *Wittlesey's*, and even before that, in *Islip's Register*: for if there were a *Lower House* at that Time, there is no doubt, but those Passages have an eye to it: tho' the Actuary's Pen has express'd it self so variously, and with so little Exactness in these matters, that, were it not for this General Proof, his Particular Expressions, in the Elder Acts, would

would carry no clear Evidence of the being of such an House, when those Acts were Pen'd.

P.447.l.16. "wherein the Number of the *Inferior Clergy* "exceeded that of the Greater Prelates.] Usually, but not Always ! For in that Grand Committee of *Conv.* I have mention'd p. 78. Nineteen of the Upper House were to be nominated, and but Fifteen of the Lower.

P.453.l.7. "The Formal Grant of it made in Two Provincial Assemblies.] The Separate Grant of the Province of *York* is to be found in *Wolsey's Register fol. 129. a.* Where it appears also, that This Convocation sat, and acted, after the Clergy of *Cant. Prov.* were up; being adjourn'd from the Abbey to the Cardinal's House (now *Whitehall*), and not rising till the 18th of *August*.

In the Catalogue of the *Executions* of the *Parliament-Writ* on the *Inferior Clergy*, and of their *Returns* to it, this in p. 86. was forgotten; and is therefore here supply'd.

A Return from the D. and Ch. of *Gloucester* to the *Bishop*, dated 11. Dec. 1562, and certifying him, that they had receiv'd their *Summons*, and had in vertue of it appointed *Arthur Hall* one of the Prebendaries of that Church, to appear for them at the Convocation held at *St. Paul's*,

*Jan. 12. * ad consentiendum iis quæ tunc ibidem de Communi Consilio Regni Angliæ divinâ favente Clementiâ contigerit ordinari.* Which are the very words of the Clause *Pramunientes*, by which they had been Summon'd. Nor does this Certification contain any other Powers, or run *ad tractandum*, &c. of *Jan.* but *ad Consentiendum* only.

Ex Originali Certificatorio, sub Sigillo Dec. & Cap. *Glou.* & inter Archiva Eccl. *Gloucestr.* Servato.

I take the Opportunity from this Misplac'd Passage to renew the Humble Request, which I before made to my Lords the Bishops (p. 94.) upon producing many Instances of the like Nature; and once agen beseech them to consider, of how great Importance it is towards preserving the *Ecclesiastical Constitution*, to command the strict Execution of their *Parliamental-Summons* on the *Lower Orders* of the Clergy: and I am bold to make this New mention of it here, at the Close of this Work, because I cannot shut it up with a Consideration of Greater Moment in it self, or more Seasonable, at the Present Juncture; if New Writs should suddenly issue for the *Parliament*, and *Convocation*.

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